

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, December 6, 2011 at 2:00 p.m.

**PRESENT:**

Sean Walter,	Supervisor
John Dunleavy	Councilman
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

**ALSO PRESENT:**

Diane M. Wilhelm,	Town Clerk
Robert Kozakiewicz,	Town Attorney

Supervisor Walter: "Let's get started here. Ron Caffrey, can you lead us in the Pledge of Allegiance? Thank you, sir."

(The Pledge of Allegiance was recited, led by Ron Caffrey)

Supervisor Walter: "We've got— our invocation is by Deacon Michael Bonocore from St. Isidore's. Deacon Bonocore, do you want us to sit or stand or— "

Deacon Michael Bonocore: "I'll stand, thank you."

Supervisor Walter: "Would you like us to sit or stand?"

Deacon Michael Bonocore: "Oh, yeah, why don't we stand?"

In the name of the Father, Son and Holy Spirit (inaudible). God, our Father of power and might. Wisdom and justice, through your authority is rightly administered laws and acts and judgments are rendered.

I ask you to assist with the spirit of your counsel, fortitude wisdom and justice the members of the Riverhead town board. Give

them wisdom in every decision and help them to think clearly. Grant them discernment and common sense so they will be strong and effective leaders.

Help them to lead and govern with integrity and guide them to follow your principles and not their own. Direct their steps according to your word for their decisions greatly impact the lives of this community.

And finally Father look upon all of us here who attend this meeting, grant us all patience and understanding to have courage and faith in you no matter what decisions are rendered as we face the day to day concerns.

We ask this in your name. Amen."

Supervisor Walter: "Thank you Deacon Bonacore from St. Isidore's. That was wonderful.

Harriet Haas, I understand that you're going to sing us a song. We have got a guest, bring the microphone. Warren McKnight is going to do the accompanying photos, I guess.

You know, I still have that fax in my office you sent. That was great, Warren. Harriet is going to sing a holiday song for us."

Councilman Dunleavy: "We want to see you on camera. Okay. There you go. Go ahead. You are going to fact that-- okay, there you go."

Harriet Haas: "We have a great crowd today and happy holidays everybody and here we go."

(At this time, Harriet Haas sang Silent Night and Santa Claus is Coming to Town)

Harriet Haas: "Thank you."

Supervisor Walter: "All right. Thank you, Harriet. Now the highway department is going to get the wrong idea that we just sing-- sit here in town hall and sing songs all day. Okay.

Councilman Wooten-- we've got some presentations to make. Councilman Wooten will meet you down front with the rest of the

council."

Councilman Wooten: "Geo, why don't you come forward and represent- we've got a lot of highway department workers."

Supervisor Walter: "Bring them all up."

Councilman Wooten: "Bring- you all want to come up? All right."

Supervisor Walter: "Come on up guys."

Councilman Wooten: "Okay, I think it's important that we notice that this is the Riverhead highway department minus three people but this is your entire Riverhead highway department, so the reason that the town board today wanted to bring them down and recognize them.

Sometimes it's something we elected officials take for granted, our workers in the town. They all do a great job, whether it's buildings and grounds or whether it's electric or engineering, you name it. They all do a great job.

But especially the highway department and we want to recognize them today.

As the residents in this town are aware, our highway superintendent George Woodson is responsible for maintaining and repairing the roads, ensuring roads are cleared and safe for use in response for emergencies involving inclement weather affecting our roadways.

Geo, along with every man in his department- I want to make sure there's no women- every man in his highway department is deserving of praise and acknowledgment for hard work they perform throughout the various seasons of the year.

This past year, 2010 into 2011, the winter season, I rode a couple times with these guys. The winter season delivered our fair share of snow with the first snow event occurring in December and a major snow event in January.

By 6:00 a.m., the town had over nine inches of snowfall covering our roads which continued for another few hours delivering

another six inches. To the credit of our highway superintendent and his crew by early to mid-morning of the storm, including the January 12<sup>th</sup> storm, our main and even secondary roads were made passable.

This summer, the high winds and rain after Hurricane Irene downed poles, branches, and uprooted trees and sent our highway department to work clearing and removing debris to make the roads safe for vehicle and pedestrian travel.

The speed of the cleanup was impressive.

I must also give credit to our highway department for work throughout the year, road repair and maintenance, mowing, sweeping, tree removal, stump removal, plowing, sanding and repairs to equipment.

And although road work is one of the most visible tasks accomplished by the department, it should be noted that an effort to become more efficient, do more with less dollar-wise and staffing, the highway superintendent has saved taxpayers considerable money by purchasing sand— by purchasing equipment and purchase of sand and research of the importation of new sand and salt techniques, and road improvements and construction designed to address unique stormwater and flooding issues.

We have a great team of highway personnel. They're ready; they're willing and able to work long and hard to combat the winter and other storm events and they should be congratulated for their efforts to keep the public safe.

And there's so much more that they do that we take for granted, whether it's trimming trees, taking trees down, repairing sidewalks. Even for events, whether it's the country fair or whether it's the Polish fair or whether it's events that the BID put on, they get there, they clean the roads, they make it beautiful.

They really do a lot of work for our town and so often we see them out there and we give them a little wave, but they really deserve much more than that.

So today, because winter is upon us and we're hoping that the snow stays away, but we want to recognize them with a certificate of appreciation to the whole entire highway department.

Thank you, George."

George Woodson: "I just want to thank all my workers. Everybody pulls together in time of need to get the job done when we need to get it done. I would be remiss if I didn't mention Sue and Donna who are not here. They are our secretary and administrative assistant but I did this so you guys would appreciate (inaudible).

We've all got our issues, we all do this and that but when it comes through in the long run we all stay together and do our job and that's the way I want to keep it.

From me to you guys, I just want to say thank you."

Supervisor Walter: "There are no finer group of men and women than this highway department. Because if you look at it and you look at the size of our town and you realize suddenly that we don't probably have enough highway workers but they get it done. So every time you are out there and maybe you're not quite happy with the way everything is going with paving the road- not paving, plowing the roads and things of that nature, just look at the workers and realize that these guys are working their tails off for you and when times get better, we're hoping to increase the staff in the highway department.

We know it's tough, it's tough right now and with all the municipalities but these guys do a wonderful job. So all the residents out there, you know, when you see them, say hello, give them a bottle of water, shake their hands, acknowledge them. They do a great job.

Thank you.

Tara, is Ben out there? Ben, the dog. Ben is a boxer mix. Do you want to do the pleasures on that?

All right. Well, as we do every board meeting that's in the afternoon, we have a- we bring one of our shelter pets in and we've got Ben, who's a year old and Ben is a hound boxer mix, gender, male neutered, one year old. And looks like a great dog. A very friendly dog. Very friendly. Would you like to say something?

I don't know. There's a lot of new people. Oh, that's the hound part. There's a lot of new people in the audience here so are

there any takers? Come on. Ben's owner might be sitting right here in the audience. Come on. All right.

What's the phone number? Do we remember the phone number? 368-6189. If you want to adopt Ben, he looks like a beautiful dog. He's a good looking dog. Okay, thank you very much.

All right, thank you.

Okay. All right. They are on. Yes. Can we make a motion, John, for the approval- "

Councilman Dunleavy: "I want to make a motion we approve the minutes of the November 15<sup>th</sup>, 2011 meeting. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Diane, Reports."

#### Fire Districts

Manorville fire district notice  
of annual election Dec. 13, 2011

Riverhead fire district notice  
of annual election Dec. 13, 2011

#### CORRESPONDENCE:

Kathleen Courtney

letter of resignation from the  
IDA board

Linda Margolin of  
Bracken, Margolin,  
Besunder LLP

letter concerning extension of  
site plan approval for  
Headriver LLC

Riverhead Neighborhood  
Preservation Coalition,  
Wading River Civic  
Association, Group for

letter requesting a formal  
Wading River corridor study  
public workshop

the East End

Fine Arts & Sciences  
LLC

letter requesting a formal  
Wading River corridor study  
public workshop

1 e-mail

requesting adoption of a short  
term moratorium for the Wading  
River corridor

Jane Lauer Barker, of  
Pitta & Giblin, LLP  
representing local union  
no. 813, I.B.T.

letter regarding bid for  
residential solid waste  
collection and disposal for  
Riverhead refuse and garbage  
district

#### REPORTS:

Town clerk

monthly report for November -  
\$10517.42

Building department

monthly report for November -  
\$55,255.00

Tax Receiver

monthly utilities collections  
report for November -  
\$413,954.42

Police department

monthly report October, 2011

Sewer district

monthly report October, 2011  
discharge monitoring report

Diane Wilhelm: "And that's it."

Supervisor Walter: "Okay. I have one thing before- I know the board knows that I want to let as many people in the public know as possible, I want to publicly thank Bill Rothaar our financial administrator, Mike Ligursio (phonetic), the people at (inaudible), our entire accounting department.

We are now officially done. Our audits are completely up to date. We sold last Tuesday a week okay, \$22 million dollars in

serial bonds and we received a rate of three point— an average rate of 3.05 which is absolutely phenomenal in this market. In the time when the federal government has been downgraded, the County of Suffolk, I think was downgraded the day we sold our bonds.

For us to sell bonds at that rate is just— it's a testament to the strength of the people that work in this town and we're on our way. The landfill is just about behind us. We've got to pay for it now but everything associated with the landfill and all the debt for the past four years is now finally behind us and we'll work on paying it off. So kudos to everybody that was involved in that. I'm sure that I missed somebody in that line— anyway, any other committee reports?"

Councilman Wooten: "Yes. On a brighter note, the bonfire is this Saturday night— the chance to watch it before Saturday, the 10<sup>th</sup>. It's from four to nine on the riverfront. It's a community bonfire. Santa Claus will be arriving by five o'clock by boat. We'll have a tree lighting and lots of music down there and Santa Claus will pose for pictures; candy canes, hot chocolate.

It's a great event. It's a no cost event. The town sponsors it and the BID helps to offset the cost so the BID's involved with it. It's a great time. It really is a great community event and we encourage everybody to come down and enjoy it this Saturday night on the river."

Supervisor Walter: "Okay. Any other committee reports?"

Councilman Gabrielsen: "I just want to announce once again to the hunters out there that the January gun hunting lottery at EPCAL is December 19<sup>th</sup> right here in the town board room at 6:00."

Supervisor Walter: "All right. I know some of you are new to the audience so the way we— the way the town board works this is we have a public hearing first and if you want to talk about anything other than the public hearing, at the public hearing is not the time to speak.

The public hearing is on a local law and we'll open that and you can comment on that local law. If there's nobody that wishes to be heard, we'll close it and then we'll take comments on resolutions and, okay."

Public hearing opened: 2:25 p.m.

Supervisor Walter: "Let's open up the first and only public hearing is a public hearing on Chapter 108-34 and this is definitions of accessory apartments. And, Jodi, did you want to say anything about this?"

Councilwoman Giglio: "Yes. Right now the code prohibits if you're building a new house, it prohibits you from building it with an accessory apartment inside of it. It says that you have to wait from three years from the date of the issuance of a certificate of occupancy in order to have an accessory apartment.

And the economy being the way it is and with our seniors or in-laws or parents having to look for places, assisted living and things of that nature, we found that it was difficult to be able to build a house and be able to have your parents or in-laws in it.

So we're allowing you to have an accessory apartment from the time you build the house or, you know, within that three years after you get a CO so that you can accommodate your parents or in-laws or anybody else to help you pay the mortgage and the taxes."

Supervisor Walter: "Okay. And since that is said, 2:05 having come and gone we're going to officially open the public hearing and make everything part of the record.

So does anybody wish to be heard on this local law? Yes, Sal."

Sal Diliberto: "(Inaudible). Mr. Diliberto. Sal if fine, Sean, thank you. Sal Diliberto, Manor Lane in Jamesport.

I'm right now going through an accessory apartment application so I'm a little reluctant to speak out about it. But the proposal to a change is at least a recognition that the law is flawed and that it needs to be changed. I agree with that.

The way the law is structured right now, not only do you need to have a certificate of occupancy for the primary dwelling, but because the law allows you to have an accessory apartment in an accessory structure, you also have to have a certificate of occupancy for the accessory structure for a period of three years, which even prolongs it more.

The problem that I see with this particular proposal is that it opens the doors to something that I don't think we want to open the doors to. This law has been in effect now for about four years. It's clear that very few people— I think less than 30 people have taken advantage of this law over a period of almost four years. It will be four years I think in February.

And you have to ask yourself the reasons why. I don't think the reasons why have to do with having to wait for three years before your primary residence has a certificate of occupancy. I think the problems go way beyond that.

If you do allow this change in the law, I think it opens up the doors to people, and I know we're at sort of a down point in the real estate market right now. There's no doubt about it so we don't have to look at a lot of development going on in the town.

But if I was a developer and if the cycle was up at the top again which it will be someday, I'd be looking at this law and the change in the law as an opportunity. And I'd say to myself, I know how to market my properties. What I'm going to do is I'm going to try to find the least costly pieces of property I can in the town of Riverhead and I'm going to market them as a basic, almost two family house even though it's in a one family zone.

So I would buy property in the least costly are of town, I would build the smallest possible structure that I could under the town code, and then I would include in it an accessory apartment and that would allow me to market the properties more quickly.

But we don't have in the town of Riverhead as they have in Brookhaven and some other towns, any kind of limitation on the number of accessory apartments that you could have in one particular area. For example, in Brookhaven there's a saturation factor I think of five percent within a certain geographic area.

Here you could have a builder who came in and put up, you know, 10 houses in one section of town and have— "

Supervisor Walter: "They are all two family houses."

Sal Diliberto: "Yeah, they're basically all two family houses which I don't think you want to have."

But it's further complicated by the fact that you have other basic problems. Like I said, I'm going through an accessory apartment application right now and the decision is pending, but the problem that I see is in the structure of the law. The fact that the law the way it exists right now requires the input of the legal department and the building department into whether or not a person's application really qualifies under the law.

When the law was first proposed, it was proposed and the space of 300 to 650 square feet was supposed to be habitable living area. Habitable living area is a term of art, has really meaning in the New York State building code and has real meaning to architects and engineers, etc. in how they put together a plan.

Habitable area doesn't include kitchens, bathrooms, utility rooms, toilets, etc.

But the way the law was eventually adopted, it eliminated habitable. I don't know why. I wasn't here for that meeting and I don't know what happened but they eliminated habitable and this has created great ambiguity which I encountered. Because the question is, is it just square foot living area, not living area but square foot area, and that's the— the legal department's opinion was it had to be defined as square foot area, floor area, of the proposed accessory apartment.

That makes no sense in light of New York State building code which is a part of all of our building codes here in the town of Riverhead because in New York State, they say you can't consider something to be a living area unless it has a ceiling of at least five feet and unless there's at least a seven foot ceiling in a percentage— a high percentage of the room.

So I think that changes do need to be made to this law. I think you definitely should look at changing it so that a person does not need to have a three year wait if they have an accessory structure on the property.

If somebody wants to put up a— if someone has a house and they've lived there for 10 years and they want to put up a garage for example, and they want to have as part of that structure an accessory apartment, right now under the way the law exists, you can't do it. And I think you should be allowed to do that, to allow those people to not have to wait an additional three years after

they've been here that long.

There's other problems with the law that relate to how it works as between the accessory apartment review board and the building department. You know, under the law right now, you're asking a person to go out, hire an architect and professional engineer, draw up a set of plans and that's not going to be for free, submit those plans to the building department, pay the required fees, and then wait for their approval.

But even after they get their approval from the building department and after they've spent that money, they then have to go to the accessory apartment review board and for a variety of reasons, the accessory apartment review board may say yes, the building department approve it, but we don't.

I think if anything if you are going to continue with that type of two step process, the second step should come first. You should be able to go to the accessory apartment review board and say I am intending to have an accessory apartment within building department guidelines and the law guidelines in terms of square footage, etc.

But if I do that, I would like to go through the process right now with you to see if you would permit that. Here's my house; here's the survey; here's where the people would park, etc. Here's-- if you want to ask me about the other properties I own, (inaudible), this is my primary residence, I will.

But you shouldn't ask the person first to spend money and then tell them well maybe we'll give you approval, maybe we won't.

So there are problems with the law. It does need to be changed but I don't think it's just the one step process. You have to make it less ambiguous. You have to not have to have the legal department advising the building department on questions that are ambiguous because of the way the law was drafted.

And you shouldn't also try to put people in a situation where they may spend monies for nothing.

Lastly, I don't know how this has affected, you know, the situation over the past four years. But I know that this law was intended to try to legalize illegal apartments, too. And I'm sure that this law has not done that, has not accomplished this objective

and I don't know exactly how or if anybody has applied who has an illegal apartment.

But my thought would be if I have an illegal apartment and I agree with you, Jodi, that these are tough economic times, you know, and I grew up in a house where we had an apartment and when times were tough we all moved downstairs to live downstairs. When times were good, we got to use the extra space.

But when times are tough right now I can't imagine a person who has an illegal apartment coming to the town and saying I have an illegal apartment, I'd like to legalize it. Here's my plan, I'll submit it to the building department and then the building department says fine, this should be fine and then you go to the accessory apartment review board and if they say no, where are you then?"

Councilwoman Giglio: "I think that the process should be changed. I think that you should come to the accessory apartment review board first.

The legal department has to get involved because an accessory apartment- if you're going to have an accessory apartment, it has- the dwelling has to be owner/occupied. So you have to show proof that that is your domicile."

Sal Diliberto: "I know the accessory apartment review board does ask for that."

Councilwoman Giglio: "Because you care a lot more about the property and how the people that are living in the accessory apartment live and respect your property if you were living there also.

So the legal department does have to get involved but I understand what you're saying as far as making application to the building department because the building department receipts it and that's about all they do with it. They receipt it and they send it over to the town attorney's office to review.

Well, they- after the permit is issued for the accessory apartment, then the building department inspects it. But there have been miscalculations as far as you're limited to 650 square feet for an accessory apartment.

So someone would come in and say I have a 650 square foot apartment but then the space is 40 by 40 and no one was checking those numbers. So it's, you know, there's a lot of things that get picked up by the accessory apartment review board that don't necessarily get picked up by the building department."

Sal Diliberto: "Well then perhaps it should be a more thorough application to the building department so that you do have sort of one stop shopping."

Councilwoman Giglio: "I agree. But then you get into the point where you have one person that's issuing a permit and that's a very powerful position to be in. I'm not saying that I don't trust our employees but that's why we establish boards where you have a number of people looking at something to make sure you get the best result."

Sal Diliberto: "Yeah, I have no problem with the accessory apartment review board playing the role that they're intended to play. I think probably that role should be a little bit more defined and the role of the building department more defined so that the people who are involved in the process who want to make an application understand right up front what they'll be required to do."

And the amount of time. You know, my application- I mean I met with my architect in April or May. The application was submitted the first week in June. It's December now and everything is still pending. So, you know, in terms of- "

Councilwoman Giglio: "Yours was unique."

Sal Diliberto: "Yeah, well, it's unique but it's still- it's the ambiguities in the law that create that situation. So the law should be more clear and the roles of the individual agency should be more defined."

Councilman Dunleavy: "I thought this law, and I agree with you, I thought this law was intended to stop the illegal apartments that we have in this town and it really hasn't because of the costs involved in getting an apartment approved, going through the building department, it has to be brought up to code so even an old house that's not up to- that was built under the code of that time and the codes have been changed and it has to be brought up to

today's code and that could be very costly for the owner of the house.

We thought we could help eliminate illegal apartments and help the owner of the house pay their mortgage by having someone live in their house and we found out that it's very costly.

Now driving around town which I do, I see a lot of new houses being built and above the garages apartments are being built. Okay. They're not finishing them but they're putting windows in so after they're inspected, they can finish their little apartment and put it there.

I just think that this code, this is my own personal opinion, will make that worse because now you could build it and you can rent it out as a two family house. It's not an accessory apartment but we-- was going to help these older homeowners because of age and social security, help them (inaudible) and get along.

I think the law-- the whole law, like you said, has to be looked at to make it more efficient and so we can move people into that and try to get some of these illegally built apartments up to safety code. It may not be up to code as far as everything is concerned, but as long as the safety of the inhabitants are there, I think that we should just get these things approved and get them on the books."

Sal Diliberto: "I have to agree. I think, you know, that part of it had to do with trying to keep the people who have lived in this town for a long time. You are not looking at new construction. You are trying to keep the people who have lived in this town a long time from fleeing the jurisdiction and going to North or South Carolina.

But at the same time, it was also intended to try to provide some affordable housing for younger people which is also important for the town."

Councilman Dunleavy: "Yes, right."

Sal Diliberto: "And that's the area where if you make it a little bit easier on people and a little bit less costly and a little bit less time consuming, I think you'll encourage people to do that because especially in today's financial circumstances people could use a little extra income.

And I thank you for your time."

Councilman Dunleavy: "That's right. Thank you."

Councilwoman Giglio: "And I'd just like to add also I disagree with the two family concept because it's really not a two family. The accessory apartment is limited to 650 square feet and it has to be owner/occupied.

Most two families they can rent one-half of the house to one family and another side of the house to another family. They don't live there. That's what the definition of a two family is.

And the fact that it's restricted to 650 square feet and one bedroom, I don't know what kind of family you're going to fit into a 650 square foot apartment with one bedroom. Maybe a mother and a child or you know- "

Sal Diliberto: "I guess you didn't grow up in my house."

Councilwoman Giglio: "Well I have four older- three older sisters. There were six of us."

Councilman Dunleavy: "Just look at the houses- the apartments that are being built on Peconic Avenue. They're 650 and they're affordable housing for the young people to move here and to get a first apartment so they can build and get into a house. And that's what the accessory apartment and that's what this can do so you can live- and it can be a two family, one family being me in the house; another family being Councilman Wooten living in the same house is two different families, not from the same family. It's not a mother/daughter. It's a two family apartment or a house."

Supervisor Walter: "Thank you, Sal. Does anybody else wish to be heard on this public hearing? Yes. Miss Janelowicz, how are you doing?"

Michelle Janelowicz: "Hi, Michelle Janelowicz. First I just want to point out with all due respect a couple things that the previous spoke were incorrect. I process permits for a living and also I have clients that reside in this town that need this type of code to pass.

They have elderly relatives that are moving in. The cost of

assisted living and nursing home is out of reach for them. And also-- I also want to point out for the public that the idea of a builder coming in and buying up lots for small houses to build this is out of reach for the builder because they have to prove that they live there prior to even applying to the accessory review board.

So I really hope that this gets approved. I have people that are really hoping and angry that this code was even in existence.

Thank you."

Supervisor Walter: "All right, thank you. Does anybody else wish to be heard on this matter?

Okay, I'll leave-- I'll close out the public comment portion and leave it open for written comment until December 16<sup>th</sup> at 4:30 p.m. That's a Friday, in the town clerk's office."

Public hearing closed: 2:40 p.m.

Left open for 10 days for written  
comment to December 16, 2011 at  
4:30 p.m. in the town clerk's office

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Supervisor Walter: "Now. How many of you are here to talk about the beach settlement, raise your hands. Okay. What I'd like to try to do is have you guys-- Mrs. Gabrielsen, are you going to speak? Because I'm going to have you speak first if you are. That's a no? Mrs. Gabrielsen, are you going to speak today? Oh, no, not yet. But if you're going to speak, you're going to speak first. Okay.

So before we get started, I want to fill you guys in on something because there's a lot of misinformation out there.

The town code allows you to drive below the mean high water mark and above the low tide mark. Before the settlement, the town code allowed you to drive below the mean high water mark. After the settlement, the town code will allow you to drive below the mean high water mark.

Nothing in this settlement changes that. The doctrine of--

there's a doctrine out there that's not followed in New York State. I'm not going to necessarily get into that. But the settlement is not going to change anybody's ability to drive on the beach.

What the issue here is there was a point where we thought we owned a certain piece of property and we probably don't own that property. I'm not going to get into any more detail than that.

Even if you own the property, even if where the town owns property, the town code still allows you to drive below the mean high water mark.

I had a conversation with a couple trustees last week, yesterday actually, and in Southampton it is the same thing on the bay. The ocean is different. The ocean is different from the state- the ocean is different from Riverhead. But on the bay side, if you were allowed to drive, you'd be allowed to drive between the mean and the low.

The public trust doctrine in New York State only allows you to drive or walk or picnic between the mean high water mark and the low. That's it. I know some of you don't want to believe that and that's fine. We've hired a law firm that's researched it. We've brought in other lawyers that have researched it.

The public trust doctrine in New York State is not the same as the public trust document in the state of Florida. New York State does not recognize the public's- the government's ability to enforce the public's- I'm going to use- it's not right for script of easement.

We don't recognize something and I don't think it's the right doctrine, King's Highway, but I don't think that's the right doctrine but under common law in New York State, the government cannot give you a prescript of easement across somebody else's property. In other states they can, Florida included, it's my understanding. I'm not a Florida lawyer.

I want to be very clear. You will see no changes in the way you drive on that beach. There will be no changes."

(Unidentified): "Can we quote you on that?"

Supervisor Walter: "You can absolutely quote me but come up

to the podium. Come up, wait, not yet because Mrs. Gabrielsen goes first. Excuse me.

The bottom line is that when we drive on the beach and I drove on the beach 10, 15 years in Wading River, there is an area that you are not able to get by without going onto somebody's private property.

You have my word and I have already contacted the DEC and I've already had Joe Hall in our office working on a way to try and figure out with the DEC how to get over that rock groin.

Because the bottom line for all of you that drive in Wading River, if that one person stops you from crossing up south of that rock groin, forget about getting around Herod Point. Most of the time you know you can't get around Herod Point. Forget about that. You're never getting around that rock groin.

I will do what I can to find a way to get over that rock groin so we are not impacting private property like (inaudible).

The settlement does— there's one of two things that we can do and for those of you that drove on the beach in Wading River, when you first got on the beach the original property owner used to erect a barricade so you couldn't cut the corner if you will. And that was there for a long time and that person was very— I don't want to say militant, that's probably not the right word. But always kept that barrier. They did not want you cutting the corner.

The new owner does not do that. The settlement requires the town to do really one thing, one of two things. Either we're going to figure out a way to put, I don't know if any of you are Moose members, but the Moose has a gate that you put a colored key card in and it's not an automatic gate, you have to put your colored key card in, you have to open it, you have to close it.

We may consider putting a gate right on the road so that, you know it protects us as residents. It protects the fishermen because it keeps the people off the beach that don't belong on the beach. We may consider putting that in and that would solve the problem.

The cheaper thing is they're asking us to, if we don't do that, put a barrier not all the way down to the high tide mark but a barrier down close to the high tide mark they say with a gate so

that the fire department- it really would be probably a four by four post with a chain and then the fire department would be able to unlock the chain and cut the corner if you will.

That's it. All we're going to do after that, I mean we have to do things that we normally do, enforce our rules which we started. Those of you that drive on the beach now in Wading River on the north shore, you know that you should have seen that in the weekends we have patrols down there.

I don't want there to be any misunderstanding. There is nothing on this settlement is going to change anything that we do now. The only difference is we are going to try to keep you from cutting the corner, put up a sign which we do anyway, and let you do what you do always which is most of you probably are fishermen and I will find a way, I hope, to get over the groin.

Now what I'd like to do is I'm going to ask Mrs. Gabrielsen to go first."

Councilman Gabrielsen: "I'd like to say something, too."

Supervisor Walter: "Well, just- let me just- "

Councilman Gabrielsen: "No. You gave a version- "

Supervisor Walter: "I'll let you speak. What I'd like to do after Councilman Gabrielsen is done, we'll invite Mrs. Gabrielsen up.

What I'd like you to do- I know there's other people that want to talk about other things. I'd like everybody to limit their comments to five minutes and I'd like to take just the beach people first and then we'll deal with other comments on resolutions so we can keep it moving and get you guys back out. George."

Councilman Gabrielsen: "Okay. I'd just like to make a statement here, a couple things.

That barrier will be put all the way down to the southern end of that property, right down across the beach, not up a little bit as he had misstated. All the way down to stop everyone and he was right from cutting the corner. So a permanent barrier will be put there.

Nothing changes. Right now if you are a pedestrian or a citizen walking on the beach, we have no town law to stop you. Whether it's right or not, there is no town law. We have a town law that says you can't drive a four by four, but citizens with this settlement, it's spelled out specifically, pedestrians will not be able to walk on that beach north of the mean high water mark."

Supervisor Walter: "On private property."

Councilman Gabrielsen: "Correct. So on that note— right, Sal, right. But south of that mark you cannot walk with this settlement. In other words, there's nothing in town law that says a pedestrian cannot walk there. We have something about the four by four's. There's nothing there that says pedestrians cannot walk there. There's nothing on the law. It will now be on the law."

Supervisor Walter: "You are 100% right, George, and the reason you are 100% right is because south of the mean high water mark is private property."

Councilman Gabrielsen: "So to continue with this, I'd just like to finish my piece. Thank you."

For 360 years we have walked there, 360 years. Why would this board now put in a settlement, we put in a law that would stop us. For what reason would we do this now? What's the benefit?

We understand. You could follow a Sound beach east and west and that line waves back and forth, back and forth. We all understand that. But people have walked down there and there's never been a settlement of a case I don't think yet where that's been stopped.

So why are we setting the precedent? Because I know this settlement is for Wading River and next it's going to be Riverhead. It's going to be Jamesport. It's going to go down because those homeowners are going to say— so in this settlement we're going to establish a line, a spot that we're going to— it says right in the settlement. We're going to train our police department, train them. So when they come in for a summons, they know that line is. And you will be ticketed.

So if you take a stroll down the beach, a mile down the beach, wherever, with your family, the tide comes in. Now you're trapped.

You have two choices by this law. Reality will happen.

By the letter of this law, you have two choices. You are going to swim back with your family or you are going to walk back and you can be issued a summons.

And I just don't think there's any reason to set a precedent here.

The Wading River beach, nothing's changed. Maybe not. But if you stand on the beach, you look to the east, you see the jetty, and I know Sean said because we had discussion (inaudible), he may move the jetty. Well good luck with that. Move the jetty a (inaudible).

You look to the east, that jetty extends into the restricted area. You cannot go in that restricted area. It will be enforced. You are blocked. You will have no access going east, whether a four by four or walking over the rocks, whatever. So things will change.

You can no longer go around those rocks and that jetty."

Supervisor Walter: "Okay, so, George, are you done? I'm sorry but you are incorrect. You can, but I'm going and I'm going to leave this and I'm not going to go back and forth with a fellow council member.

But I am going to say this. The town of Riverhead and you all know this. You know this intuitively. South of the mean high water mark is private property. The town of Riverhead cannot give you permission to traverse somebody's private property. That's trespass. If you do it, you do it. You cannot do it under color of town code. You can't do it now.

We're not passing a statute. We're not changing it. The way it is now and I promise you this. The way it is now in the law, in New York State law and in our town code, is the way it will be after the settlement. We cannot, cannot, allow to give you permission to pass across private property."

Councilman Gabrielsen: "But it's not enforceable because nobody knows where that line is. That's with high tide, you've got, you know, when the moon is out. That line is not established right now. There's no way somebody's going to take me to court because I'm two foot over the other side. There is no- that's why for all

these years it's not enforcing. It can't be enforced. We're opening a can of worms here."

Supervisor Walter: "Okay."

Councilman Dunleavy: "We're not taking- this settlement that Sean was involved in, it's not taking anything away from the fishermen. It's not taking anything away from the walkers. We're not telling the walkers they can't walk. There's private property now."

If a police officer was on the beach and he saw you walking, he can issue you a summons right now. It's the same- it's going to be the same as it was."

Councilman Gabrielsen: "You're codifying 360 years of history."

Councilman Dunleavy: "Wait a minute."

Supervisor Walter: "He's going to finish and then- "

Councilman Dunleavy: "I was a police officer for 20 years, have been back and forth in Wading River because some people on the bluff said, listen, there's someone on my beach. I want them removed. And I would have to walk down and tell the people on the beach that they are trespassing and then they would have to leave. If they don't leave, they're subject to arrest."

And I did arrest one person who was in control of his family on the beach 20 years ago. But that's because of the town code and it's violating private property.

I could not tell anyone to go across your property for a short cut. If somebody was walking down Herricks Lane and they wanted to get to the west side of town, I couldn't tell them to go across Gabrielsen's piece of property. You don't even have to walk all the way down to 25. Just cut across his property. Would he like that? No, he wouldn't."

Councilman Gabrielsen: "I'm not talking about that, John."

Councilman Dunleavy: "That's why people put fences around their property, so no one could go across their property."

The- if you look at the Sound, go down Edwards Avenue, there's rocks so you cannot go down and make your right turn to go on the beach. Go down Hulse Landing Road, there's a big fence there where you can't go down Hulse Landing Road and make a right and go on the beach.

These are property owners that put up these fences and they will put up fences on the beach in Wading River. What this does, is say take down your fences, okay. Take down your fences and what we will do is we'll put a barrier up almost to the mean high water mark and I don't know how George knows how far. I don't know how far it's going to go. That's still negotiable."

Councilman Gabrielsen: "It's not negotiable. It's in the contract."

Councilman Dunleavy: "So, you know. But anyway we're not doing anything, we're not. You can still walk. You can still walk next to the bluff on private property. As long as they don't complain and as long as the town doesn't ask you to leave."

Councilman Gabrielsen: (Inaudible)

Supervisor Walter: "All right. Unless a different council member wants to speak, I'd like to have the members of the public- George, I'm running the meeting. I'd like to- "

Councilman Wooten: "I had a nice generic five page speech but I really want to hear what the people have to say."

Supervisor Walter: "Okay."

Councilwoman Giglio: "And I just- I'll just say one thing. There are some things in the settlement document-- I believe in private property rights. I believe when our code says from the mean high water mark below you can travel across the beach. But I am concerned about putting up a barrier and if somebody does get stuck out there that's not familiar with the tides or somebody that came and got the permit and didn't- I just- and the fact that we're, you know, there are certain things in the settlement that concern me.

One of them is attaching a survey that was prepared at the request of the applicant. I know the town did one also. But that survey is going to be attached to the settlement and that

establishes the mean high water mark. Although it refers to— that says mean high water mark changes, it doesn't— the settlement is not based on the line according to NOAA and every 18 years or 20 years when it's surveyed, it refers to this survey and that is a concern of mine."

Supervisor Walter: "Okay. Let's— do you want to say anything?"

Councilman Wooten: "No. I-- just to clarify that the mean high water mark is (inaudible) recognized and we had our people do it and they had their people do it, and it's almost identical. So I don't think that's in dispute of where that line is."

Councilwoman Giglio: "No. But it says— "

Councilman Wooten: "It does change and it should be re-measured every couple years. Unfortunately six years ago we had a beach erosion, we don't have much of a beach now."

Supervisor Walter: "Okay. Mrs. Gabrielsen, would you like to speak first, ma'am?"

Councilman Gabrielsen: "Oops, the big boss is here now. I'm going to be nice."

Mrs. Gabrielsen: "Whom are we doing all of this for?"

Supervisor Walter: "For the residents of the town."

Councilman Gabrielsen: "Mom— "

Supervisor Walter: "Let her speak."

Mrs. Gabrielsen: "Nothing will change."

Supervisor Walter: "Oh, I thought she— "

Councilman Gabrielsen: "You've got to pull the mike. We can't hear you. Over towards you a little bit."

Mrs. Gabrielsen: "This?"

Councilman Gabrielsen: "I think it's better."

Mrs. Gabrielsen: "I'm not used to this. I want to know why are we changing it now? For a few homeowners, where there are thousands of residents in this area and I know most of them because I had a big business here. Nobody wants to change. Leave it alone.

Let me tell you a story. My mom was born here 125 years ago. She fished on that beach, she walked on that beach. Now they're going to change it?"

Councilman Gabrielsen: "Tell them about the horseshoe crabs."

Mrs. Gabrielsen: "What for? Use your commonsense. Leave it alone. It's not bothering only a few homeowners and a few pretty smart lawyers that are pushing it through.

The homeowners don't want it and I don't either. Leave it the way it was. You change that, there's going to be a big change in this town. I guarantee it."

Councilman Gabrielsen: "Can I ask you a question? Mom, can I ask you a question?"

Mrs. Gabrielsen: "Who?"

Councilman Gabrielsen: "Your son."

Mrs. Gabrielsen: "I don't hear that good. I'm 81 years old."

Councilman Gabrielsen: "I know you had said to me a story and I didn't ask her to come here. As a matter of fact, I said I don't know if you should come here and speak so it's no setup.

But you had said a story about your mother here and I just found out the other day how they actually farmed on the Sound, with the horseshoe crabs. Can you tell us that story, how that's interesting."

Mrs. Gabrielsen: "They used to pick- I guess you old timers all know, maybe I'm the oldest one here. The horseshoe crabs. They used to go every morning to pick horseshoe crabs so that they could feed their pigs. They had no money years ago. They were content with everything. I'm sure she's going to say to the horseshoe crabs now come on this side, you've got to be on the high side.

I mean use commonsense. Who's fighting this? Who's fighting it?"

Supervisor Walter: "Are you asking me that question?"

Mrs. Gabrielsen: "Yeah, sure."

Supervisor Walter: "Our lawyers- I mean if you're asking the question here's the bottom line. We didn't bring the lawsuit, it was brought by a group of property owners. They're suing the town for a million dollars and they're suing the town, it's a 198- "

Mrs. Gabrielsen: "How could you let them scare you?"

Supervisor Walter: "It's a 19- do you want the answer? I'm going to give you the answer. It's a 1983 action so you could be subject to the million dollars, the attorney's fees.

But here's the real thing that people don't want to understand. The magistrate or the judge that hears the case could invalidate our town code for driving on the beach if they make a finding that under color of town code, it's a legal theory, but under- that we are giving people permission to drive on private property. They could invalidate the code. And I'm not willing to take that risk because if they invalidate the code, that will be the end of beach driving. That's it guys."

Mrs. Gabrielsen: "You know what? It's worth paying a million dollars to keep the people happy. It really is. Not too many old people around that can fight it."

Susan Reeve: "Okay. My name is Susan Reeve. You've seen me before. My ancestors go back to the 1600's if you go back. My relative- one of my ancestors was the second supervisor of Riverhead town I just found out recently."

Supervisor Walter: "Who was that?"

Susan Reeve: "I don't know but I read that. It's in the book that they wrote about my parents.

Okay. Unfortunately Kenny's not here. I'm going to kill him for that. I want to know, what are the lawyers going to gain in this settlement?"

Supervisor Walter: "Actually it's the town that gains in the settlement as far as I can tell because they take down all their signs and all their obstructions and it's not just the Sornees (phonetic). It's the other signs and all the obstructions. All of them come down and the beach goes back to the way it was. The Sornee's I think and I don't— I can't put words in their mouth, but they reached out to us. I think that the property owners want to try to work with everybody to get this resolved and put the whole mess behind them and this settlement doesn't do anything more than return the status quo.

Because you know, Mrs. Reeve, you know that I can't give you permission to trespass on private property. You know that intuitively."

Susan Reeve: "Oh I don't know that intuitively. I know it's a fact."

Supervisor Walter: "And that's what this case boils down to."

Susan Reeve: "But none of us are going on there. The ones that are going on there are the— excuse me if anybody's Spanish, but the illegal people who have come into this town and they take their picnics down there, they start the fires, they walk away and leave the fires going— "

Supervisor Walter: "And that may be— "

Susan Reeve: "Whereas the (inaudible) on the other hand sit up on their patio and scream at people and insult volunteer firemen. I'm sorry. I'm pretty upset about that. They put boards with nails sticking up and ruin people's tires. They shoot from up there at people with pellet guns. Come on. You're rewarding them for their bad behavior and it's a precedent that you don't need to start. Just like what Mr. Gabrielsen said."

Supervisor Walter: "So the problem here— here's the problem. You guys may not want to acknowledge this but we as a board have to acknowledge this.

We're in court and if we win the entire case— if we win the entire case, and I know George doesn't agree with this and you may not agree, we don't win anymore than we have right now. If we win it lock, stock and barrel, we win nothing more than we have right

now. Nothing. Nothing. Not a thing."

Susan Reeve: "Why are you changing it by giving them what they want?"

Supervisor Walter: "We're not giving- we're giving them what we give every one of you, what's in our code. That's what we're giving them. We are giving them what's in our code. We are giving up nothing and we are gaining the signs to be removed. The Sornee's and others have agreed to live- cohabitate with the fishermen and I'll tell you, it is the fire department, the Wading River fire department does not have a problem.

In fact, they thought the settlement was a good settlement and they from what I understand would like to put the gate that you can lift with a key card or something, and that protects you guys too. Because once you guys are out there fishing, you don't want people on the beach fishing in your spots that don't belong there. And that's the way of control."

Councilman Gabrielsen: "Can I help answer. You asked the question."

Susan Reeve: "That is not our fault. That's four wheel drive people and fishermen. We are the ones who are picking up the garbage and taking it off the beach which nobody else in the town seems to want to do.

We are the ones who do the spring clean up with Ken Densieski who isn't here is the one who gets it together. We'll be trespassing."

Supervisor Walter: "No you won't."

Susan Reeve: "Oh, yes we will. If we get a storm and all that stuff is up behind their markers, I'm sorry, keep the garbage there."

Councilman Gabrielsen: "We're not going to enforce it because nobody is going to go down and give you tickets for cleaning up. But you're absolutely right. The stipulation says you cannot go above that mean- so effectively what we're putting in writing here, you can't do your garbage cleanup, your beach cleanup.

And we can argue it. You said yourself (inaudible)."

Supervisor Walter: "George, what's in writing here right now- "

Councilman Gabrielsen: "You can finish your other question. You said what is Sornese's gain? I don't know if anybody realized it. There's a deed dispute, there's a deed dispute that they actually own that."

Supervisor Walter: "No, there is not, George."

Councilman Gabrielsen: "And- I would like to answer the question, Mr. Supervisor. Mr. Supervisor, I didn't interrupt you. May I answer the question?"

Supervisor Walter: "Actually you have interrupted me many times."

Councilman Gabrielsen: "All right. Somebody's got to keep score here. So anyway there is actually a deed dispute. They say no. Our own assessor went back and there's grey area. I could- 99%, 90%, 50% chance they own it. But there's a chance that we haven't cleared that deed. That was quit claimed in 1979 by the bank and before that no one paid taxes on it, no one owned it, and the old monuments are still up by the bluffs.

So there's a little grey area there. This allow them nowhere in the future can we challenge that. It's a done deal. They will own it and maybe they do but there's definitely a grey area there. There's no question about it.

And they also, what they'll gain out of this, is they'll gain the barrier that we're going to put up at our expense to- so there is a couple- and they're also looking, and their settlement stretches all- their settlement stretches all the way up to Creek Road. They want us to do striping and parking- this settlement goes into your tax dollar paying for improvements to Creek Road."

Supervisor Walter: "Okay, George, is it my turn yet? All right. George- "

Councilman Gabrielsen: "I'm done."

Supervisor Walter: "You are absolutely, 100%, 1,000% wrong about the deed dispute."

Susan Reeve: "Absolutely not."

Supervisor Walter: "Absolutely wrong. We've researched it. We have- "

Councilman Gabrielsen: "Ninety nine percent."

Supervisor Walter: "-- researched it. You can shake your head. You can- I know he's saying what you want to hear."

Susan Reeve: "No, he's not."

Supervisor Walter: "Ma'am, sometimes it's not popular to sit up here. He's telling you what you want to hear. There is no deed dispute with the- those properties right up in the area of- I don't want to pick on the Sornee's, but right up there."

But even if there- even if there were a deed dispute, it wouldn't make a difference because just to the east, the people own to the high water mark and so- "

Susan Reeve: "How?"

Supervisor Walter: "Because that's what their deeds say."

Susan Reeve: "Because they paid to have it added? That's not right, quit claim."

Supervisor Walter: "No. Somebody sold it to them."

Councilman Gabrielsen: "But the State of New York doesn't recognize that."

Supervisor Walter: "You know what bothers me about this whole thing? What bothers me about this whole thing is that the people- if I wanted to drive on your private property, you'd have a fit. But nobody wants to recognize that these people have deeds. They have rights."

Susan Reeve: "They had them added. You have enough money, you can have anything put on any paperwork."

Councilman Dunleavy: "You have to research this. Late in the 1800's, the person who owned that property, owned it all the way down into the water, into the water."

Susan Reeve: "I have my grandfather's deed. It doesn't say that. No, it does not."

Councilman Dunleavy: "Let me research this."

Susan Reeve: "I have my grandfather's deed."

Supervisor Walter: "You may not own to the mean high water mark."

Susan Reeve: "Nope. It says to Long Island Sound beach."

Councilman Dunleavy: "What these people did and it's on there. In the 1890's when they subdivided in the early 1900's, they subdivided to the bluff and he didn't sell anybody the sand. He didn't even give it to the town. So we don't own that property."

So what happened was when the research- in the '70's they found out that this fellow did own it all the way to the- under the water, and they said, okay, we'll give you a deed to the high water mark, which everyone else along that beach has.

If you go east of there, they all do that. You're still driving on that and no one's giving- and we can't go to you and say, are you legal or illegal or are you a fisherman or not a fisherman? We can't discriminate. We have to give a summons to everybody that's doing something wrong against our code." We can't let you fish and tell someone else they can't fish."

Supervisor Walter: "Can we wrap it up? Can we wrap it up? We're trying to give you five minutes but we keep interrupting you. So if you could wrap it up, that would be great."

Susan Reeve: "All right. Last year or this year 545 permits were sold. At \$30.00 a permit, that comes to \$16,350.00. Oh, it's \$60.00. Okay that's about \$33,000 and if everybody that wants their little piece of property cordoned off by putting up a fence or whatever which has already been done in front of Reeves Beach just east of Reeves Beach, there's a house that's down on the beach. I'm sure you all- anyone who's been down at Reeves Beach has noticed

that house. He wasn't even on his property and he was putting up fences and things within the past years.

You said something about the rock groin. What about the one in Baiting Hollow that was illegally put down there and somebody said, oh the town will move it, it's ours now. That hasn't been moved. We drive over it when we can.

We police those beaches. You don't have to have too many cops on those beaches because us four wheel drive people are the ones picking up the garbage. We watch out for each other. We watch out for anybody who comes down the beach.

Somebody gets in trouble, there's going to be one of us to help them. If you restrict us and make this a precedent, you're going to see more push, because you're sending out a big message to these people who are newcomers, who are not true locals, that they can push this board into anything."

Supervisor Walter: "Thank you."

Susan Reeve: "That's what I have to say. I've probably got more but I'm going to let you have your five minutes."

Supervisor Walter: "All right. Next speaker."

Susan Reeve: "I agree with Mr. Gabrielsen."

Supervisor Walter: "Next speaker. Does anybody else wish to be heard on this subject?"

Glenn Just: "My name is Glenn Just. I'm secretary- good afternoon. My name is Glenn Just. I'm secretary of the East End Surf Fishing Club and I'm also an environmental consultant for 30 years dealing with mostly wetlands matters.

First of all, I'd like to know who established- you mentioned (inaudible) high water a couple dozen times. Who has established it?"

Supervisor Walter: "It was done, Young & Young did it based on- and, you know, it's common law, it's difficult- common law doctrines determine where the mean high water marks are. So they went back and I think- and I'm not an expert in it, I think you go

back 18 years, whatever the common law principles are, Young & Young established where the mean high water mark was for the litigants in the case.

Hey listen I was the biggest proponent of never settling this case. So we brought our engineer in, Nate Corwin, and we didn't give him Young & Young's map and we said establish the line. And guess what? The two lines were within a foot of each other.

What this settlement calls for is that even though the line is in a defined point in time for today or when the date of it was in the summer, the settlement acknowledges that that line will change on a day to day or even on an annual basis. It is not a fixed line and the settlement does say that."

Glenn Just: "Going through- I saw the files in the town hall here, looked at some of the surveys for some of these properties in question, the mean high water mark is moved by as much as 50 or 60 feet per 10 years."

Supervisor Walter: "Absolutely, it could."

Glenn Just: "So you're talking about putting in some posts or a permanent structure so if you put it in today and we have a storm tomorrow the tide is 20 feet that way."

Supervisor Walter: "Absolutely. You move it."

Glenn Just: "Are you going to move the structure again?"

Supervisor Walter: "You have my word."

Glenn Just: "Do you have to move it every day? The mean high water changes every- "

Supervisor Walter: "It doesn't- the mean high water doesn't change every day. I know enough about it. It does not change- sir, with all due respect to you, it does not change from day to day the way it's calculated under common law. But it does change. As it changes, I promise you, that will be moved.

However, let me finish. However, if we put the key pass gate in or something like that, we wouldn't even have to move it because it wouldn't be a structure on the beach. It would just be- "

Glenn Just: "I think a key pad structure would be a friendly nuisance, an attractable nuisance."

Supervisor Walter: "It might be."

Glenn Just: "Quite frankly, and a waste of taxpayer money. But you say the mean high water doesn't change day to day. The moon changes every day. The tides change every day."

Supervisor Walter: "Sir, as I said, the way it's calculated under the law, it does not change every day. It is-- "

Glenn Just: "Where under the law can I look at this because (inaudible)."

Supervisor Walter: "I can get you-- I can't do it right now, but I can get you the parameters. I will contact our attorneys and we can make that available-- "

Glenn Just: "Why don't we hold off to make decisions until you can produce this information?"

Supervisor Walter: "I don't-- sir-- "

Councilman Wooten: "You can google it. You can google it because-- "

Glenn Just: "What would be (inaudible)."

Supervisor Walter: "Let me ask you a question. What's the difference where it is? Because once you know where it is roughly, we only give you the ability to go between the mean and the low. That's all we give you."

Glenn Just: "So it's put in the wrong place. Again, it's kind of an expensive-- "

Supervisor Walter: "Well, here's the real issue and, George, touched on it before as a police officer. I mean, this gentleman here, John Dunleavy touched on it before. As a police officer, unless you're right up on the bluff, it's almost impossible to know where the line is.

If you're up on the bluff, we know you're on private property.

If you're down by the water, nobody is- you're not going to be out there writing tickets if somebody is kind of skirting down the beach just above or just below because it's not something that you- that's well defined in the field. It's not. We all know that. It's not today. It wasn't yesterday. It won't be if we settle this. It just isn't."

Glenn Just: "Again, just on a personal note, I think you are acting on this too quickly. I really do."

Supervisor Walter: "What would your opinion be if they invalidated our ability to drive on the beach?"

Glenn Just: "I don't think it would happen."

Supervisor Walter: "Is it worth the risk?"

Glenn Just: "There are other lawsuits pending in court right now, East Hampton, Southampton, the same issue. What you are trying to do is privatize a public beach."

Supervisor Walter: "Sir, with all- I- we've spent a lot of time researching this and I'm privy to information that you are probably not privy to. It is a completely different case."

The cases that would be similar to us and I spoke to the trustee, two council women and men right to the either side of me, we spoke to the trustee in Southold- Southampton yesterday and I can't remember his name but after I described the settlement, he says, oh, yeah, you should settle this because we are more akin in Southampton to the bays than we are to the ocean."

Councilwoman Giglio: "He also said that as long as access is not obstructed or blocked which it is by the groin, access below the mean high water mark is blocked by the groin. And when I posed the question to him as to whether or not the DEC would ever give us a permit to build a structure over that groin so that vehicles could pass below the mean high water mark, he said not a chance."

When I said what about them allowing us to put sand on there so people can drive over the groin so that they can stay below the mean high water mark, he said no. So you will have 500 feet you will be able to drive until you hit the groin and then you're going to have to go on private property to go around it in order to traverse

further east below the mean high water line."

Supervisor Walter: "Which is what you have right now."

Councilwoman Giglio: "I know but the chance of that groin-- this settlement says that we are going to educate, we're going to enforce, we are going to regularly-- I mean it says a lot of things and I'm not supposed to discuss the stipulation, the settlement, but it's very difficult to sit here and talk to you about my concerns about this settlement when you don't know what's in it. And I can't tell you anything. So there's a gag order on it and you know what? I can't tell you what's in this settlement until after it's settled and signed and the press conference is done. And I have a problem with that, too."

Supervisor Walter: "Actually there's no gag order on it and pretty much everybody on this board (inaudible)."

Councilman Dunleavy: "If anything, we can never give you permission. That groin was put there by the county years ago. We cannot give you permission to drive around the groin. Everybody does it but we're certainly not going to give you permission to go on private property and drive around that groin. But it's done and it will continue to be done because those people who live by that groin don't complain. Okay."

So I mean those are the situations. I cannot give you permission to go over private property. I certainly will not. I mean people yell at us. We've got the Reeves Park Association, they're made at us because -- yeah, he's going to speak next, but they're made at us because our driveways so you guys can get on the beach faces their private property and people come out of that driveway and go on to private property.

He didn't like the way-- they didn't like the way we built that. But you know something? It's on our property and we can build it so the cars can go.

Oakley Avenue, we stopped cars from going on the beach at Oakley Avenue. We didn't-- nobody came up and spoke against that when we blocked cars off of going on Oakley Avenue. There was an entrance to the beach on Oakley Avenue and we blocked it because things have to be done and for the good of this town and this is being done for the good of this town.

We're being sued for a million dollars. If a judge says that these property owners are right, that you don't own this property and guess what, you owe them a million dollars plus court costs, then our taxpayers are going to be suffering."

Supervisor Walter: "Mr. Just- if you could- "

Councilman Gabrielsen: "To finish his questions. I think he asked the Supervisor and he answered it to you about the police. They're probably not really going to enforce it as much as we think."

Supervisor Walter: "They want a police officer in the field to determine during the length of any part of the beach where the mean high water mark is."

Councilman Gabrielsen: "I just want to address that. Okay. And this is in the agreement, this isn't hearsay."

The town shall immediately advise the police department of the terms and conditions of this settlement agreement and shall direct and instruct the police department to take all appropriate action to enforce the property owners' private property rights in this settlement agreement.

The town shall provide appropriate ongoing training and guidance to the police department and its officers and employees in order to enable the police department implement the provisions of this settlement agreement.

Without limiting the generality of the foregoing, the property owners of the town shall agree upon a map or drawing indicating the location of an enforcement line. And it goes on to talk about the mean high- which police officers patrolling (inaudible) complaints will have upon that person for purpose of determining whether a violation has taken place in order to enforce the provisions of this settlement.

We're going- they're going to have a drawing to indicate the enforcement line. So the police technically witness- "

Councilman Dunleavy: "The problem is the police department don't have enough men. The police department don't have enough men to put someone on this beach all year long. We try to get them on

the beach in the summer time and that's tough and I don't know if they're on every day in the summer time. But we just don't have enough police officers to put one on a motorized four wheel drive vehicle up and down the beach."

Supervisor Walter: "Just weekends."

Councilman Gabrielsen: "Did you have-- "

Councilman Dunleavy: "We're not going to do it now but what we're going to do is just show them what they should be doing and what they should be known to do right now. That's all."

Supervisor Walter: "All right."

Councilman Gabrielsen: "Mr. Just, do you have a question about tabling it? You had mentioned and it got lost in that."

Glenn Just: "I would like to see this information, these surveys, how it was done; what was the stage of the moon; what was the stage of the tide; what was the wind when this was determined. Because the mean high water depends on all three of those factors."

Councilman Wooten: "And you're right, sir. Do you realize that the mean high water line is an average of over 18 years? It's not one flood tide that came in yesterday so we're going to move it up 10 feet. And then a low tide tomorrow would move it down. It's not that; it's an average."

Glenn Just: "In 30 years of being in environmental consulting and working for the DEC, I never heard that being used. Ever."

Councilman Wooten: "Really."

Glenn Just: "Correct. It's an average."

Supervisor Walter: "I can tell you that in the law there is a method to do it under common law and it was done and it was done by two independent surveyors, well, not independent. One for us, one for them and they were not given each other's data and it's sort of interesting how it matches.

So, sir, I think we've got the line. If you could wrap it up."

Glenn Just: "I'm done. I said the stuff I had to say."

Supervisor Walter: "Appreciate it. Thank you. Mr. Biegler."

Erik Biegler: "Yeah, good afternoon. Erik Biegler, Reeves Park. I'm in an interesting position. I'm the president of Sound Park Heights which owns 400 feet of sound front property next to Reeves Beach. I'm also a member of the East End Fishing Club so I'm kind of balancing both here.

I've got a couple of questions. I know you can't talk about the details of the settlement."

Supervisor Walter: "We've pretty much blown that out of the water."

Erik Biegler: "Just a couple of things I want to bring out and a couple questions on the settlement.

This clear, this mark of high tide water, mean high tide water, whatever it is, over 18 years, over 20 years, the next full moon, it's going to be clearly spelled out for this parcel of properties only?"

Supervisor Walter: "Pretty much."

Erik Biegler: "Or is it going to be for the entire shorefront of Riverhead?"

Supervisor Walter: "It has not been done for the entire shorefront. It is- "

Erik Biegler: "I suggest that people need to start looking at that rather quickly because this settlement is going to set a precedent for other communities that are across Sound Avenue. And of course Jamesport.

Enforcement came into question here and, Sean, I know a couple of statements made that enforcement will continue the way it was last year. Enforcement last year was virtually non existent. If it's going to be enforced a little bit more strenuously, I don't think any of the beach owners in Sound Park Heights are going to have a problem with it but it is not being enforced at this point in time at all.

We had cars down there, we had- I'm sorry, we had the trikes down there during the summer, two or three weekends and they come at really bad times so I think enforcement has to be addressed.

I'd like someone to address to me the real concern about pedestrians. I am infinitely more concerned about pedestrians than I am vehicles on the beach. The people who own the vehicles who are permitted to be down there to begin with are an asset to our beach and the cleaning up of our beach.

Pedestrians are not monitored. They are not an asset to our beaches and we had two beach fires last year where the fire department couldn't even get down Reeves Beach to put those fires out. This was right underneath the golf course down there. It's got nothing to do with Wading River. And it was all started by people who are camping out on the beach. They are obviously camping out above the high tide water mark or else they'd get very wet and they are lighting bonfires and building things.

This has to be addressed with pedestrians. So if this settlement addresses pedestrians, I'd like to hear that. If it addresses it throughout the town, that would even be better."

Supervisor Walter: "Well, what it does, Erik, is it really just restates what the law is now. You can be below the mean high water mark and above the low water mark in the water if you will during certain tides. You have no ability to be above the mean high- south of the mean high water mark. That's what the law is now. That's what it will be after the settlement. It really doesn't change anything.

But I mean we did- I mean you saw. You came and thanked us. We did do beach patrols last year on the weekends and I will tell you just the complaints would drop significantly by just weekends and I intend to keep doing that."

Erik Biegler: "I just want to mention it again. I suggest that the town start to plan on looking at where the mean high tide water mark is for all the beaches because it will come up in question and whether it be Reeves, whether it be east of Reeves, whether it be Roanoke, whatever. Just because we own property and we don't have houses right on the beach, doesn't mean we don't sit there and are concerned about our beaches being trespassed on."

Supervisor Walter: "I understand. Thank you, sir."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Anybody else wish to be heard?"

Frank Walz: "My name is Frank Walz representing- "

Supervisor Walter: "Frank?"

Frank Walz: "Frank Walz, yes. Representing New York Coalition for Recreational Fishing and my club is (inaudible) Surfcasters.

If this settlement is passed, it will be a travesty for beach and land use advocates across the country. It will fly in the face of public land trust doctrine, the state coastal management plan, and real estate law.

I would like to ask to table this matter so that the public can have more time to figure out, you know, what is actually going on here.

I don't believe ample time was given to the public to figure out what's happening. The time- what we have here is just a fight for public rights that's going to send ripples throughout the country regarding land use and public trust doctrine and if one small group of citizens can gain the rights like this, then the rest of the country's rights are just going to go down the toilet.

Thank you."

Supervisor Walter: "Thank you. Anybody else wish to be heard?"

Nick DiPierro: "Good afternoon. Nicholas DiPierro from Wading River. I just have to ask a quick question here as to how much of a challenge was made to the actual ownership of the property in question as to the four property owners that we're talking about? Because this- it was my understanding that at one time the town of Riverhead owned that property and here we have a bank issuing a quit claim deed to these owners, okay.

Was any challenge ever made to the fact that the bank could

arbitrarily issue a deed to property owners when at one time and I believe I'm right on this because there was no taxes paid on this property for quite some time.

Was any challenge made for the bank- to the bank who issued these deeds to these property owners?"

Supervisor Walter: "I will give you the facts and you- I know they're subject to everybody seems to have- want their own interpretation of the facts but here are the facts.

The property was owned by one person in 1880. The person subdivided up the property but didn't sell all of the beachfront sort of east of Wading River beach.

What he did was- it may be five or six lots there, two of the lots he sold to the waterfront to the mean high water mark, and the remaining lots he kept title. He was foreclosed on. The bank in and around 1913, 1915, I don't remember the exact time- he was foreclosed on.

The bank took the deeds for everything he owned back including the waterfront or the sand in front of their houses that- sand to the east of the town beach.

What happened from there is the town somewhere along the line and taxes- let me back up. Taxes are not dispositive of ownership, payment of taxes, and neither is whether it's written on a tax map.

Somewhere in the 1970's, mid 1970's, when Suffolk County went to the tax map system, they arbitrarily- we sent our attorneys to Suffolk County. They went arbitrarily went in and researched why did they put town of Riverhead beach. There was no answer.

In 1980, they had no reason to do it. On or about 1980, the three or four owners that did not own to the mean high water mark went to the predecessor in interest of the bank that foreclosed in 1913 and got a quit claim deed which is good title. It just means everything I own I give to you. I don't know if I own anything but if I do, I give it to you.

The town never did anything about it. Nineteen eighty they get these deeds, they record these deeds to the mean high water mark. We have no- there is no record anywhere because trust me, guys, I'm

the one that sent the code enforcement down there to remove the beach signs. I mean I was on your- I am on your side but we did everything we could to establish title there. We don't have it.

And it doesn't matter under our code because the code only allows what the New York State Public Trust Doctrine, and you may not want to listen to it, you may not want to believe it. The young man that spoke before may not want to believe it, but New York's Public Trust Doctrine is more restrictive to beach rights than say states like Florida and our code and this settlement preserves our rights under the New York State Public Trust Doctrine."

Councilman Gabrielsen: "Okay. And I would just like to ask you a question that you asked about the quite deeds. Was that legal? It was done in I think around 1978, '79. Correct?"

Supervisor Walter: "Something like that."

Councilman Gabrielsen: "I was told and this is (inaudible) investigation. I was told that around 1970 we set a set of, what is, the legal department or whoever does it, a set of standards how that's done. They did not follow that procedure."

Supervisor Walter: "They did not follow subdivision. Correct. But that doesn't- "

Councilman Gabrielsen: "So that's how they quit deed. And we have no record. The only record we have before 1979, the only record we have is the fact that no taxes were paid on it."

Supervisor Walter: "There's no record to say we own it. It was never legally subdivided. In other words, we could go back against these owners and try to say you didn't subdivide your property correctly in 1980. That's a heavy lift of- "

Councilman Gabrielsen: "Which they (inaudible)."

Supervisor Walter: "But it doesn't rely on- that doesn't (inaudible) title. Things like subdivisions, taxes not being paid or parcels names on the tax map number don't get a title.

You want to know something interesting? Back in the '70's and I know people that made themselves quite wealthy. They would go through Manorville and they'd find all, when they switched over the

tax map system, they'd find all these lots that taxes were not paid on and then people would find whoever might maybe have owned those lots, and they would do something called a bar claim action which they represented the owner or they bought the little bit of interest from the owner and then they would do a bar claim action which really is a legal proceeding that at the end of publication period, the person that brings the action can acquire title, get title to the property. And that happened all over Manorville. That was locked down probably in the '80's. It stopped, but- "

Councilman Gabrielsen: "Well I think it stopped because the county went and bought most of that land up for (inaudible)."

Supervisor Walter: "It stopped because the county went in and taxed everything- "

Councilman Gabrielsen: "They actually bought a lot of those- they went in and bought a lot of those properties and took them away. The reason I know, my mother's ancestors owned (inaudible) of those lots and the county came and took it for a good cause."

Nick DiPierro: "I was listening to some of the other comments, too, made by some of the other attendees here. And it was claimed that some of the homeowners were harassing the walkers and they were doing things that they really shouldn't be doing."

Is there any- going to be any protection against people who do walk on the beach against such type of harassment if it does exist?"

Supervisor Walter: "They are to take the signs down. They're not- I mean nobody's allowed to harass anybody under the law anyway, but they're to take the signs down, they're not to harass anybody. In a year, if they don't take their signs down and they keep harassing people, we can restore the case to the calendar. They have to take their fences down, too."

Nick DiPierro: "Okay. Thanks."

Supervisor Walter: "It will be cleaned up. Okay. Anybody else?"

Charles Sclofani: "Charles Sclofani, Wading River. My question is one of confusion. What exactly is the town being sued for and what are we defending against? Because I'm hearing about

the lawsuit, I'm hearing about the stipulation of agreement but I still don't know the exact lawsuit.

From what I've heard is with the stipulation nothing would be given back that isn't legally theirs to begin with. So if that's all their suing for, is what is theirs legally, why would they be given a punitive damage case against the town for?"

Supervisor Walter: "For allowing people under color of town law to pass and re-pass across private property."

Charles Sclofani: "I don't believe that's in the law, is it? I never read it."

Supervisor Walter: "You cannot-- the town cannot give somebody a right over somebody's private property to pass and re-pass."

Charles Sclofani: "I don't think anybody here disagrees with that."

Supervisor Walter: "But that's what-- see and that's-- "

Charles Sclofani: "Is that written in our code though?"

Supervisor Walter: "That's the problem. No."

Charles Sclofani: "No. So therefore how could there be a lawsuit if-- "

Supervisor Walter: "It's New York State law. You cannot-- these are private property-- "

Charles Sclofani: "No. I understand. Listen to me. I understand you can't give us rights to drive on someone's private property. I understand that (inaudible). There's nothing in our town code that says I have a right as a four by four owner to drive on someone's property who doesn't give me permission.

So what is the lawsuit for? If we haven't given the permission, if we haven't-- "

Supervisor Walter: "Charlie, they said we did."

Charles Sclofani: "Okay. So they're saying we did."

Supervisor Walter: "Yes."

Councilman Gabrielsen: "The town hereby relinquishes, waives, releases and withdraws any and all claims of title, interest, possession or use of any portion of the plaintiff's parcel described above."

Councilman Dunleavy: "At the time, we said we don't have property and anybody can go across that property."

Charles Sclofani: "At the time of what? Discussions- "

Supervisor Walter: "We thought we owned the property."

Councilman Dunleavy: "We thought we owned it and with those property owners we had our meetings. We said we own the property and people can cross that piece of property. That's what all started the commotion."

They said, no, we own the property. We said no you don't. The town owns the property. So they took it to court and sued us to find out who owns that piece of property.

I did not know they had deeds for these pieces. I knew that two of the lots did have deeds since the early 1900's. When we found out that they had deeds, well that ruled us out owning the property and this is what they were suing us for, allowing people to cross their property and for the punitive damages of a million dollars."

Councilman Gabrielsen: "We would give up all claim to that property. And if we didn't give up the claim, this could go on for- "

Charles Sclofani: "I've been following this thing since the inception. You know that. But I've never heard exactly what they have been suing us for."

Councilman Gabrielsen: "They want us to waive all claim on it and if we didn't settle and we say won the case, this argument could go on for another hundred years, which (inaudible) of the beach."

Charles Sclofani: "My concern is that we are settling for something that's already theirs and ours. We just say okay, you're

right."

Supervisor Walter: "It's a draw."

Charles Sclofani: "It's a hundred percent draw except that we're going to put up a quote unquote barrier. Whether you agree with it or disagree with it that's immaterial at this point. All right."

But I just find it hard to say that we would make a settlement for something that you have to settle. If that's what you're saying you have to settle, you have to settle if you don't have the rights to it. It's not our property. If it's our property which you say it isn't, then we fight for it."

Supervisor Walter: "We'd never settle. We would never settle."

Charles Sclofani: "Exactly. But what about the groin? Is there any way you could table this- "

Supervisor Walter: "I can't- "

Charles Sclofani: "-- let me finish, Sean, please. Go to the county and say, listen, you put this hemorrhoid here, remove it. It does no good right now. It's no longer a viable piece of rock because it doesn't do anything."

It's the same thing with the jetties over by- which is a totally different area, over by the power plant. They're destroying our creek."

Councilman Gabrielsen: "I think, Charlie, you make a good point."

Charles Sclofani: "If we could table it and ask the county just to take this thing out of there, you solve the whole issue in one explosion."

Councilman Gabrielsen: "So I think, Charlie, that the- if we were doing a real settlement, that jetty would be in the settlement. And I think it's also- "

Charles Sclofani: "But the jetty, yeah, but George, the jetty

would have to include the county's (inaudible)."

Councilman Gabrielsen: "Right. And there is actually something which I think we need time to research and I've read this somewhere through the hundreds of pages. When a government agency puts a jetty, whatever, it impedes access, they have to address that.

So hopefully the county (inaudible) the landowners. They have to address it. That's in public document. At which point, exactly, at which point they would have to either move it or give us an easement above it. But they have to address it. They took it away from you, they've got to give it back."

Charles Sclofani: "We have property rights (inaudible). And we have people who are in their '80's who unfortunately is not here today, his wife had to go to the doctor. But he's got a tiki hut. We have barbeques down there. We use the beach access to get down there.

I don't know if you've been down there. It's absolutely gorgeous. It's been built since 1962 out of all driftwood, all right. The DEC says he can have it and everybody loves it. This will preclude us from utilizing that."

Supervisor Walter: "It won't."

Charles Sclofani: "It will because we can't get past the jetty or the groin whatever you want to call it."

Supervisor Walter: "Well, you can't get past it now legally."

Charles Sclofani: "Excuse me."

Supervisor Walter: "You can't get past it now."

Charles Sclofani: "Legally now, what you're saying we can't. But if you table this without a settlement- "

Supervisor Walter: "Oh, no. Right now without the settlement- "

Charles Sclofani: "You can't do it."

Supervisor Walter: "You can't do it."

Charles Sclofani: "And I can't do it with the settlement."

Supervisor Walter: "So what does the settlement have to do with it?"

Charles Sclofani: "What I'm saying is if you can postpone this, if you postpone this and go to the county and say, listen, we'd like to have you remove the groin, give us permission to go over it so that we can get this settlement and our people can have access to our beach."

Supervisor Walter: "Well, I contacted- we are under very strict- this is federal court and, well, you're right, the one has nothing to do with the other from a legal standpoint, but this is federal court."

You don't screw around in federal court. And I'm- this board made representations to a federal judge and now the board has to live up to those representations to the federal judge and if we don't, the case, once it starts which it will start next week, it will be ready for trial our attorney says in the spring and there is- once the wagon leaves the barn, the people that we've contacted, the attorneys that we've either retained or contacted for advice have said probably the federal judge is not going to let the town off the hook without paying compensation to the other side."

Charles Sclofani: "You'll probably will wind up paying for their attorneys fees. But the reality is, what I'm asking is, table it until you get to the county. You've got a new county executive."

Supervisor Walter: "The judge will not tolerate it and that's the problem. The judge will not tolerate that."

Charles Sclofani: "You don't know until you ask."

Supervisor Walter: "We did."

Councilwoman Giglio: "The first time, we had discussions about settlement. The first time we actually saw the settlement in language was a document that had to be signed which has things in it that concerned me, was last Thursday. The first time that we saw the document."

The settlement document actually spells out as to what was required of the town. Before that it was just discussion and so it's really hard to say, you know, if the settlement said, okay, we are going to absolutely one hundred percent require that when we issue a permit everybody stays below the mean high water mark provided there is not a man made structure in the way that prohibits them from getting around it to the other mean high water mark.

You know what? If- but if the settlement says something like that about a man made structure or a man made obstruction then to allow you to get back to the mean high water mark, otherwise anybody could you know- well, I would like to at least try."

Councilman Dunleavy: "We can't do it."

Supervisor Walter: "Our attorney says we can't- "

Councilman Dunleavy: "It's against the law. We cannot tell anybody to go over private property. We just can't do it."

Councilman Gabrielsen: "There's issues to address. That's all she's saying. She's not saying- "

Councilwoman Giglio: "But they may give us an easement."

Councilman Dunleavy: "But we're going to work with the county. We are going to work with the county to see- "

Charles Sclofani: "I have about a minute and a half left."

Supervisor Walter: "Right. Finish up, Charlie."

Charles Sclofani: "What we're talking about here, Mr. Dunleavy, is and I believe Ms. Giglio I'm going to have to agree with her which is rare."

Councilwoman Giglio: "Oh my God, my heart be still."

Charles Sclofani: "You could go- I believe their name is Hoffman or something of that nature who have that property right next to the groin. Maybe they would agree to an easement as some- I don't know which one of you said it."

Supervisor Walter: "We're working on it. We're working on

it."

Councilman Dunleavy: "We can work on that. But that has nothing to do with this lawsuit. They're not involved with this lawsuit."

Charles Sclofani: "Yeah it does. It's- part- what it will amount to is if you have that and it's put in the lawsuit no man made object blah, blah, blah. You have an easement by the property owner. Then this is basically a moot point. The whole scenario here is moot."

Supervisor Walter: "Well, Charlie, I'd love to do that but this property owner is not part of the litigation and- "

Charles Sclofani: "He doesn't have to be part of the litigation."

Supervisor Walter: "So anything that we do- right, he's part of the solution."

Charles Sclofani: "That's all I'm asking, Sean. I'm not asking not to have a settlement. I understand all the legalities of it all. I understand you don't want anybody losing a million dollars out of our coffers which we don't have."

But the reality is- "

Supervisor Walter: "That's a three percent tax increase right there. That's what it is."

Charles Sclofani: "Okay. So that turns out to \$52.00 on my tax bill. Big deal. Okay."

Councilman Gabrielsen: "No one- no leader negotiates out of fear. And that really bothers me."

Supervisor Walter: "I'm not talking out of fear, George. I'm just telling, a three percent tax increase."

(Some inaudible comments)

Charles Sclofani: "We have the way to go around this so everybody could be miserable. And no one would be happy."

Supervisor Walter: "Okay. I called the DEC, I have Joe Hall working on trying to get around that groin and we will do everything in our legal power to either get over it or around it.

You have my word. I gave you that in the very beginning. Can I promise it? No, I can't promise it.

Anybody else that has not been heard? Okay."

Greg Conrad: "Greg Conrad, I reside in Riverhead. And before I start my comment, as I sit here, I am filled with admiration for our elected officials. It's obviously an issue that resonates with people, people feel very passionate about and you are standing in the arena and you are taking a stand and regardless of how it turns out today, I think you are to be commended for your courage and convictions and the fact that you're sitting up there and listening and taking a stand. So thank you for that.

As I sat here and listened and, again, it seems to make sense, you know, going by the Donegan (phonetic) patent and so forth. It's actually the settlement. I didn't at first, I was against it. It seems to make sense to me at some level.

The one thing that concerned me and made me decide to speak was when you said somewhere in the settlement there's language indicating the police department is going to be trained and will be patrolling.

Chief Hegermiller is here, he could probably (inaudible), but I don't think he needs that extra burden and I don't think the police—I think the Riverhead police department has enough to do.

And my concern as I sit here is it's obviously there's a large group of people who are affected by this negatively, their quality of life too. There's a small segment of the community that would appear to have a tremendous amount of power. And that's a little disconcerting to me.

You know I would hate to think that RPD is going to be responding to 35 calls a weekend up at the Sound and I realize there's no way to legislate that. There's no way for the town board to do anything about that but that's the only concern I have insofar as that.

And I don't know how the police department is going to pick up an additional patrol responsibility here but those are issues that you are responsible for and the chief will have to deal with that."

Councilman Wooten: "I can ease some of that for you, Greg. The police department is in possession of two quads (inaudible) at the beach. We do hire- we have special police officers and they get more hours in summertime than they do in winter. They do have to be trained on these and I like the fact that they're actually going to provide some sort of a map because I've been down the beach many times as a police officer winded because I had to walk down there and threw people off the beach.

And I don't know exactly where that line is. I don't think anybody can really define it. Some people confuse it with the high tide line (inaudible)."

Greg Conrad: "And I just have one more thing. And again I recognize this is a very serious topic for most. But in 1990 I took a walk along the Sound with this woman I was courting. And we held hands and- "

Supervisor Walter: "Keep it clean."

Greg Conrad: "-- it was a cold winter's night in fact. And I took the opportunity and I honestly can't say whether or not I was above or below the mean high water mark.

I took the opportunity to try and sneak my first kiss. And I succeeded. Our 20<sup>th</sup> wedding anniversary is coming up this month and it had been my hope that I could relive that moment after dinner somewhere in town here.

So what I request of the board is a letter of permission- "

Councilman Gabrielsen: "He doesn't get arrested."

Supervisor Walter: "Erik, can you help this- "

Greg Conrad: "On our wedding anniversary."

Councilman Wooten: "What beach were you at?"

Greg Conrad: "Ladies and gentlemen, I applaud you for your

courage. This is America at its best and I'm very proud to be a member of the community here in Riverhead. Thank you."

Supervisor Walter: "Thank you, sir. Anybody else that's not been heard before? Okay. We're trying to limit it to five minutes."

Garrett Moore: "Good afternoon, Garrett Moore. I'm a Riverhead resident, a Riverhead teacher and today I'm representing Long Island Off Road Club.

For the past four or five years we've come out, helped out in May the surf fishing club. We participated in the annual Long Island Sound Beach Club down at Riverhead beach cleanup.

Over the issues with this said access Wading River, we've had our club member physically attacked in this incidences and I do not think any settlement should be made unless something is done to address the groin issue. We do not have access. That would limit the cleanup. And I do not think this should go forward without something being done to address this issue.

And what my experience with the DEC very involved and I don't know if it would ever be a success to remove something that has been there for "x" amount of years. So I think something needs to be put and in writing otherwise this is going to establish a precedent that is never going to be able to be taken back.

Thank you."

Supervisor Walter: "Thank you. Anybody else that hasn't been heard?"

Bob Kelly: "Bob Kelly, Reeves Park."

Supervisor Walter: "How are you doing, Mr. Kelly?"

Bob Kelly: "Just real quick. It's unfortunate again. I think that what happened here is a unique situation with the homeowner and you can't really fault the homeowner 100% at all because he's got his rights and he has his property where he lives and he's in a unique spot.

I fish, I don't get anymore enjoyment in life than going out

and fishing and also driving on the beach. But, again, that's a unique spot.

What else is going to happen, is you know what? The entire town of Riverhead is a unique spot. And I think that's what's going to happen here is you could open yourselves up to more interpretation of this rule, more interpretation of the law.

I'm not disagreeing with Mr. Zornie (phonetic) and I think I understand where he's coming from. He's got a tough nut-- hit there. But what about the other folks going along the park. Is Mr. Biegler -- hit on, some of these other people hit on him.

I appreciate what you guys are trying to do. I just think it's unfortunate that a resolution or a way to resolve this did not happen sooner and earlier and I think that goes back to enforcement. I'm not pointing a finger on our department that's been stretched to the max as we know. But I live there and they never come down. I wish they could. They don't have the ability to do it."

Supervisor Walter: "We did this summer though."

Bob Kelly: "Never might be an exaggeration but you know. They weren't there a lot."

Councilman Dunleavy: "You live there, you know."

Bob Kelly: "Well, they weren't there a lot and if they did come down a couple of times, it's the time of day and it's quality of life, you know. And I think that's what happened with the Zornies. It wasn't the guys that were fishing initially. It probably wasn't. It was the uninvited guest that come down there and it was a lot of traffic that comes down there.

But if this goes through, you know, who is to say what's going to happen down the block. And as the gentleman said before, how can you remove these structures? That's going to be real tough to do."

Supervisor Walter: "Well, I don't think we're going to remove the structures and the problem is if it goes to trial and they invalidate the code, we have lost it all.

And I'm going to tell you something. I'm not willing to do that."

Bob Kelly: "And I know where you're coming from and I agree, I think it's already reached that point of no return and I'm just saying that it's unfortunate because it is a unique thing but the entire beach is unique and you are going to be up against something else next year and it's unfortunate."

Councilman Dunleavy: "You understand this because you live there. You- we can't obstruct- we can't stop pedestrians from walking there. Right?"

Bob Kelly: "Right."

Councilman Dunleavy: "You don't like them on your beach. You don't like them camped out on your beach."

Bob Kelly: "Absolutely."

Councilman Dunleavy: "There's nothing we can do unless you call us, we have patrols there. And when the patrol goes, he doesn't know if they live or they don't live there until he gets a complaint. He can't question everybody that's there, do you live here or don't you live here."

Bob Kelly: "I mean in that case the law is- "

Councilman Dunleavy: "They have to have a complaint so they can drive right past."

Bob Kelly: "In that case, having that thing in writing and in law is a good thing but you're opening up a can of worms because the other point is driving on the beach and we know on my particular beach how we let everybody come down to the beach and it works. It works because it works."

Councilman Wooten: "Bob, you've got to agree the beach during our lifetime is not the beach in my grandfather's lifetime."

Bob Kelly: "It's changed quite a bit, Jim."

Councilman Wooten: "(inaudible) and Iron Pier the beach was a lot greater than."

Bob Kelly: "Yeah, it's changed a lot and it's going to change more."

Councilman Wooten: "And you know 50 years from now there's probably be no driving on the beach because there will be no beach left."

Bob Kelly: "Right. Where we're going, it's going to change even more as far as driving. I don't want to kill it, but it's just unfortunate that we hit this point and I think it's- we're opening ourselves up to additional problems. I'm sorry- "

Supervisor Walter: "All right. Anybody else who we haven't heard?"

Steve Jackson: "Steve Jackson, Riverhead. I think this is a big mistake. No board before you touched this with a 10 foot pole and no board after you is going to touch this with a 10 foot pole.

And Mr. Dunleavy, you can stop giving out the day passes. You can stop getting rid of this trash down on the beach. So there is an answer.

You go down to Warren's Tackle you can buy a day pass, go down there and park your truck and come from wherever out of town you want and leave all the trash you want on that beach.

The town resident has to have a sticker on the car. Mr. Hegermiller comes down with his police department, your car is there. You can't leave the beach. The cars are there. They know who's there. It can be. Don't say you can't. It needs a little bit of effort but it can be done."

Councilman Dunleavy: "There are out of town residents that have beach buggy permits that use the beach that are not town residents. There are plenty of them."

Steve Jackson: "There's not plenty. Sir, sir, I'm in town since 1975. I'm going to tell you, you are barking up the wrong tree here."

Councilman Dunleavy: "No, we're not."

Steve Jackson: "You are. I'm just going-- I'm not going to get loud. You're making a mistake here. There is no- we don't know where the mean high tide mark is. You're actually going to sign

this bill or whatever it is and put structures on the beach."

Supervisor Walter: "No, we're not."

Steve Jackson: "You just said you're going to put some kind of poles and whatnot to show where the line is. I mean that's insane. That's just insane. Let the judge. It's a million dollars and I can tell you right now. No judge has touched it in Southampton, Southold or anywhere. They're not going to touch it here."

So, please, don't. You pay a million dollars everywhere else, EPCAL, all these other people you've been wasting money the town has for years. Waste the money on the beach, you're not going to waste it. You're not going to lose here. Really. Stand up and do what (inaudible).

How many (inaudible)? Five hundred. There's five hundred boats you're talking about. We had a 2:00 meeting today. This is very important. It should have been on a night meeting when other people could have got here and got off work and spoke. But, no, we're trying to do a 2:00 meeting. It's wrong. You're wrong."

Supervisor Walter: "Okay, thank you, sir."

Steve Jackson: "You have a great day."

Supervisor Walter: "Does anybody else wish to be heard on the beach issue? If not, I'm going to wrap that up. Then let's take comments on- "

Robert Gabrielsen: "Robert Gabrielsen, Jamesport. After sitting here it sounds like you guys, the three, four, five, whatever is voting to settle (a) has not done their homework."

You're scared to let somebody else settle this in a higher court. You just want to quick make a settlement. This is no different than- I live on the Main Road in Jamesport. You know what? Cars are going by, they're throwing out trash. My neighbors had two cars in his front lawn in the last six weeks."

You know what? Let's shut it down. This is no different. This is public land. Define access to me, please, somebody, define access."

Supervisor Walter: "We're not going to. We've done. We've been down the road. Just make your comments, sir."

Councilman Gabrielsen: "You have the right to ask the question. I guess they don't want to answer it."

Robert Gabrielsen: "Define transportation along the shoreline. Define it. Define it, please."

Supervisor Walter: "I'm not going into a tit for tat with you. You can state what you want to state and I'd like you to limit it to five minutes."

Robert Gabrielsen: "I e-mailed you five, six days ago about this and we had all week to discuss this. So we are going to go tit for tat. Define it."

Supervisor Walter: "Sir, you have five minutes. If you're going to be disrespectful- "

Councilman Dunleavy: "Wait, wait. Our town attorney can define it."

Robert Kozakiewicz: "I'm going to state what the definition says currently in the town code because maybe that will help you."

Robert Gabrielsen: "In the town code or in- "

Robert Gabrielsen: "No, no, no. Not in the town code. The state or the federal."

Robert Kozakiewicz: "I'm going to address the town code first."

Robert Gabrielsen: "Okay, go ahead."

Robert Kozakiewicz: "I'm going to address the town code. Beach. We have a definition in chapter 48 which is the recreational chapter.

Beach. Both the Sound beach and the Peconic Bay beach.

Peconic Bay beach. All that area in or adjacent to the town of Riverhead along the shore of the Peconic Bay lying between the mean

high water mark as the northerly boundary and the low water mark-- well, that's what it says. It says the northerly boundary so it might be wrong but it's between the (inaudible).

Sound-- Sound beach - all that area in or adjacent to the town of Riverhead along the shore of Long Island Sound lying between the mean high water mark as the southerly boundary and the low water mark as the northerly boundary.

Then the code says that you can ride your vehicle on the beach. Again, the definition of beach is the area between the high water mark-- the mean high water mark and the tide line. That's what the code currently says."

Robert Gabrielsen: "Okay. So does that trump state and federal code?"

Councilman Wooten: "That's the public trust. That's exactly the same-- "

Robert Kozakiewicz: "Well, that's what our code allows. And then you have the public trust doctrine."

Robert Gabrielsen: "The public trust-- did you know in New York State there's actually dry areas that the public trust doctrine covers?"

Councilman Wooten: "I'm the one that's (inaudible) of doing homework. Yes. I've got a whole desk full of them, sir."

Robert Gabrielsen: "Do you know the areas?"

Councilman Wooten: "I do the areas."

Supervisor Walter: "Where's-- this is not. If you want to submit a legal brief to us, you're welcome to do that. Just wrap it up if you would."

Robert Gabrielsen: "I think you guys are rushing through this. You should table it. No case has been won where the land was taken away from the public and given private. None.

This area is exactly the same as some of these cases that were done years ago, whatever the case may be. You guys just need to

take a step back and regroup I think. I think you're scared of the lawsuit and you're doing the wrong thing here."

Supervisor Walter: "Thank you."

Robert Gabrielsen: "Take care."

Supervisor Walter: "Does anybody else wish to be heard on the beach access issue? If not, does anybody wish to be heard on specific resolutions? If not, let's take up the resolutions, Diane."

Councilman Dunleavy: "Can I take this one off the floor. It was tabled."

Councilman Wooten: "I have one question, Diane. We have an 839 that's tabled and (inaudible)."

(Some inaudible discussion)

Councilman Dunleavy: "I'd like to take 830 off the floor that we tabled."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "To un-table, yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution has been un-tabled."

Councilman Dunleavy: "I'd like to move Resolution 830- "

Supervisor Walter: "We're going to amend- we're going to amend- replace Resolution 830 with this resolution."

Councilman Dunleavy: "I'd like to move Resolution 830 as amended, general town budget adjustment. So moved."

Councilman Wooten: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, no; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "CDA, Chris."

Councilman Dunleavy: "Okay. I'd like to close the town board meeting and open the CDA meeting. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes."

Meeting adjourned

Meeting reopened

Resolution #860

Councilman Wooten: "860 is a 2011 Jamesport boardwalk capital improvement project budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #861

Councilman Gabrielsen: "2011 Stotzky Park capital improvement project budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "I'd like to say this is the ice rink that hopefully we'll have up before the end of December. Yes."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "And I hope we get cold enough weather to make ice. Yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "Let's all think about cold weather. That's what we're going to need."

Councilman Gabrielsen: "No snow, just cold."

Diane Wilhelm: "Is that a yes?"

Councilman Dunleavy: "I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #862

Councilwoman Giglio: "East Creek district budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #863

Councilman Dunleavy: "Acceptance of the 2010 audited financial statements. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #864

Councilman Wooten: "Acceptance of the 2010 audited community preservation fund report. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #865

Councilman Gabrielsen: "Acceptance of 2010 audited justice court report. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #866

Councilwoman Giglio: "General fund justice court budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #867

Councilman Dunleavy: "Renovated building at 201 Howell Avenue building department capital improvement project budget adoption. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. Most of this is our insurance that we had on the building that we had the fire in. So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #868

Councilman Wooten: "A Calverton community development agency budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #869

Councilman Gabrielsen: "General fund nutrition department budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #870

Councilwoman Giglio: "General fund sanitation budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "You can tell it's December. Yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #871

Councilman Dunleavy: "Highway department budget adjustment. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #872

Councilman Wooten: "Sewer district budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #873

Councilman Gabrielsen: "Establishment of bank accounts. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #874

Councilwoman Giglio: "Ambulance district budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #875

Councilman Dunleavy: "Business improvement district budget adjustment. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, okay, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #876

Councilman Wooten: "Fort Pat Motel, Miamogue Park capital improvement project budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "This is for playground equipment down at the new park we have in South Jamesport area-- South Jamesport Avenue. Yes."

The Vote (Cont'd.): "Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #877

Councilman Gabrielsen: "Authorization for supervisor to execute an agreement with the Galamery Company, Inc. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, no; Gabrielsen, no; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #878

Councilwoman Giglio: "Appoints part time recreation leader to the youth bureau's mentoring matters program. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #879

Councilman Dunleavy: "Appoints part time recreation aide to the youth bureau's mentoring matters program. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #880

Councilman Wooten: "This reappoints clerks to the tax receiver's office. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #881

Councilman Gabrielsen: "Approves amended site plan of Metro Terminals of Long Island LLC. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #882

Councilwoman Giglio: "Authorizes the town clerk to publish and post public notice of public hearing to consider a proposed local law for an amendment of Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, section 101-3 stop and yield intersections; railroad crossings; parking fields. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "Publish and post. Yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "Yes. This is where developers build houses and they put stop signs up at an intersection without our town code being amended and we have one area where that happened and we have to amend our town code because the stop signs do-- are there for public safety.

So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #883

Councilman Dunleavy: "Authorizes the town clerk to publish and post a notice of public hearing to consider a proposed local law for an amendment of Chapter 101 entitled Vehicles & Traffic, Section 101-10 parking prohibited, and Section 101-13 parking time limited. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "Yes. Publish and post."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #884

Councilman Wooten: "This adopts a local law to amend Chapter 108 of the town code of the town of Riverhead entitled Zoning, site plan review - application procedure; fees. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #885

Councilman Gabrielsen: "Accepts 100% site plan security of Jonathan Troyan. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #886

Councilwoman Giglio: "Adopts a local law amending Chapter 52 entitled building construction of the Riverhead town code, Section 52-10 building permit fees, solar. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "Yes. As soon as this is been adopted, we can get our \$15,000 check from LIPA for adopting a fast track for (inaudible) solar systems on residential homes. Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. I'd like to see a lot of people use this and go green on their houses and make this a reality in the town of Riverhead."

I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

#### Resolution #887

Councilman Dunleavy: "Approves extension and reduces the performance security posted by Portview Homes, Inc. in connection with the subdivision entitled Country Trails, road and drainage improvements. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

#### Resolution #888

Councilman Wooten: "This approves extension of performance security posted by Stoneleigh Woods at Riverhead LLC in connection with the condominium project entitled Stoneleigh Woods of Riverhead"

LLC, road and drainage improvements. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #889

Councilman Gabrielsen: "Authorize recreational deer hunting with shotgun on town property at Enterprise Park at Calverton from January 9, 2012 to January 31, 2012. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please. Question?"

Councilman Dunleavy: "Are you going to amend this to include that area on Sound Avenue we were looking at?"

Councilman Gabrielsen: "We wanted to put it on but (inaudible)."

(Some inaudible discussion)

Supervisor Walter: "We can do another one next board meeting because it doesn't start until January."

Councilman Gabrielsen: "We can put in a lottery."

Councilman Dunleavy: "We can put in a lottery."

Councilman Gabrielsen: "We can put in a lottery and just approve after."

(Some inaudible discussion)

Councilman Gabrielsen: "Yeah, I thought of it but I didn't know this was the time to bring it up. Good point, John."

Councilwoman Giglio: "We can have it drafted and then

(inaudible)."

Supervisor Walter: "What date is the next board meeting?"

Councilman Wooten: "The 20<sup>th</sup>."

(Some inaudible discussion)

Supervisor Walter: "We should check with Ann Marie. We should check with her just to make sure. I think— we own this, it's not farmland or preserve property. We own it outright."

Councilman Dunleavy: "We own 24 acres on Sound Avenue— "

Councilman Gabrielsen: "It's 32."

Councilman Dunleavy: "Thirty-two acres and would like to include that in this hunting season. So that's what we're talking about."

Supervisor Walter: "So why don't we just do a separate resolution and ratify it, put it in the lottery. If something happens where we can't, then we'll (inaudible). Okay."

Councilwoman Giglio: "I seconded it."

Diane Wilehl: "We're up to the vote."

Councilwoman Giglio: "Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. And these deer know it's hunting season and they're going to move out on the roads. So cars watch out for these deer. They seem to know when hunting season is."

The Vote (Cont'd.): "Walter, yes. Resolution is adopted."

Resolution #890

Councilwoman Giglio: "Extends site plan approval for Headriver LLC. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #891

Councilman Dunleavy: "Authorize the town clerk to publish and post public notice to consider a local law to amend Chapter 52 entitled Building Construction of the Riverhead town code, Section 52-6 application for building permit. So moved."

Supervisor Walter: "We're going to table this."

Councilman Dunleavy: "Okay, I'd like to-- "

Councilman Gabrielsen: "Yes. No, it's got to be amended."

Councilman Dunleavy: "We have to amend this."

(Some inaudible discussion)

Councilman Dunleavy: "I request we table this. So moved."

Councilwoman Giglio: "My language is in there, Bob. Thank you very much."

Councilman Wooten: "Second to table."

Supervisor Walter: "Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "Yes, to table."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution has been tabled."

Resolution #892

Councilman Wooten: "This authorizes settlement with County of Suffolk. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, abstain; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #893

Councilman Gabrielsen: "Approves installation of permanent primary electric service by LIPA - plant 17 - Riverhead water district. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #894

Councilwoman Giglio: "Authorizes preparation of engineering report to update master plan report for the Riverhead water district. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #895

Councilman Dunleavy: "Awards bid for water service materials for use in the Riverhead water district. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #896

Councilman Wooten: "Authorizes town supervisor to execute contract amendment with the Department of the Navy re ext. 89 - Peconic River Sportsmen's Club - Riverhead water district. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This isn't going to cost us any money so I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #897

Councilman Gabrielsen: "Extends bid for electric motor repair/replacement including emergency repair for the Riverhead water district. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #898

Councilwoman Giglio: "I'll call it. Authorizes the retention of the law firm of Steven E. Losquadro. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #899

Councilman Dunleavy: "Authorize the supervisor to execute an agreement with the Riverhead fire district regarding unleaded fuel services. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is an agreement where we're going to help the taxpayers and the fire department like the school district is going to get their fuel from our municipal garage so we save the taxpayers so they don't have to put in fuel tanks and pumps and have maintenance on them. So we're going to be saving the taxpayers of the school district a lot of money.

So I vote yes."

The Vote (Cont'd): "Walter, yes. The resolution is adopted."

Resolution #900

Councilman Wooten: "This authorizes settlement of legal action by William Gary Robinson. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #901

(Some inaudible discussion)

Councilman Gabrielsen: "Authorizes amendment #1 to Dunn Engineering Associates P.C. PSA for Riverhead alternative transportation path project. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "Why is there not a companion (inaudible)? I vote yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #902

Councilman Dunleavy: "Authorizes budget modification to the 2010 and 2011 community development block grant program. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #903

Councilman Dunleavy: "Authorize the execution and submission of grant application to Suffolk County for fiscal year 2012 community development block grant funds. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #904

Supervisor Walter: "We need to table this. Dan said there was something- they weren't finished with the contract."

Councilman Wooten: "I move to table Resolution #904. So moved."

Councilman Gabrielsen: "And second to table."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution has been tabled."

Resolution #905

Councilman Gabrielsen: "Ratifies approval of military leave of absence for a police officer in part. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #906

Councilwoman Giglio: "Establishes time of regular meetings of the town board. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #907

Councilman Dunleavy: "Grants special use permit of R&K Precision Autoworks, Inc. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter."

Supervisor Walter: "You know, I support it but I'm going to abstain just because I wasn't part of the public hearing, but I do support it (inaudible)."

Diane Wilhelm: "The resolution is adopted."

Supervisor Walter: "Well, you know, I didn't read- I could have read the meeting minutes but I didn't read the meeting minutes."

Resolution #908

Councilman Gabrielsen: "I make a motion to table Resolution 908 that authorizes the settlement of lawsuit. So moved."

Councilwoman Giglio: "I second."

Supervisor Walter: "Can we vote to table, please?"

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "The reason I want to table- I mean it's obvious- we have a split board here on something this important. The supervisor thinks it's funny. I think it would be irresponsible to the taxpayers of this town to settle.

We've had residents that couldn't be here tonight. We've had residents here today that requested us to table it.

There's things we've got to look at. There's amendments that some of us may agree may have to be changed. Some of (inaudible), some we have here. We have to do more research.

This was put in the town board's lap Thursday. Today is Tuesday. This is one- a very big issue. This we're talking about 350 years of history here being turned around.

So I'm not saying to vote no. I'm voting- I feel that we should table this. We've got things to look at. We've had such a short time to look at it and I think that's the responsible decision that the town board should make.

So yes, that's yes to table."

The Vote (Cont'd.): "Wooten, no; Dunleavy."

Councilman Dunleavy: "No. And the reason- we got this, we spoke about this two months ago in executive session. We knew this

was in the works for over a year so if none of the council people ever looked into it, that's not our problem. That's their problem.

You have to— as a council person you have to see what our attorneys are doing and you have to look in and ask questions. And if that wasn't done for over a year then why wait until the last minute to decide that we have to talk about it.

So I vote no."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "No. Again, Councilman Wooten can you offer it. I'm thinking Councilman Gabrielsen is not seconding it. Councilman Wooten— "

Councilman Wooten: "Resolution 908 authorizes settlement of lawsuit. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "I'm not satisfied with the language in the settlement. I think that the language needs more work. This is what the plaintiff and the person that filed the suit against us what their attorney came up with as a settlement. We didn't counter. We didn't try and make it better. We didn't try and make it so that we could access the beach around the groin and I think that it's premature to settle it and I don't think that the language is proper. I think that it needs a lot of work.

So I will vote no. The language was put in our lap on Thursday. The settlement in its true form even though discussions were made, was put in our lap on Thursday."

The Vote (Cont'd.): "Gabrielsen."

Councilman Gabrielsen: "I would like to say all these— a lot of the things that came up at this meeting today, I repeat, were given to us on Thursday. There's been talk about this for 20 years, not one year. Twenty years. I have studied this inside out, I've

done my homework and when this settlement came up to like a day or two since it was put out there, I questioned. I'm not saying who. My town people. And they actually-- the response was, oh, that's not in there.

Up to a day or two, some of them I don't think have even read it.

So I vote no."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "You know what? It's been longer than 20 years, trust me. I've been on the force 30 years ago, we were talking about what's mean high water mark, what's accessible, beach access.

Beach access is not going to be determined by this lawsuit or by the (inaudible) lawsuit. The public trust doctrine is just that, read it. I do my homework and I'm far from being scared of anything, especially bully tactics.

I can tell you right now, the beach access is the beach access. The town code provides for it, the public trust allows it. The fact that our beaches are eroding over the last 100 years, so be it. Fifty years from now we won't have this discussion, there will be no vehicles on that beach because it won't be there.

So that being short, this to me is a big lot of hoopla over nothing because this doesn't change what the laws are right now in our town, in our country and in our state.

This doesn't change any of that.

I vote yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "When I said the year, I meant this lawsuit. You have to ask questions. As a councilman you have to ask questions and you've got to research and you've got to look.

Coming from law enforcement, I have to read, I have to ask questions before I can do anything with the law. And what

Councilman Wooten said, this doesn't change anything. The law is going to stay the same and we can't give anybody permission to go over private property.

And that jetty has been there for years. It's been there for at least 30 years that I know of or 40 years. And we could never give anybody the right to go across private property but everybody has been doing it. You know, that's up to them.

So, you know, we're not going to change nothing. This doesn't change anything.

So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #909

Councilman Gabrielsen: "Pays bills."

Councilwoman Giglio: "And second."

Councilman Gabrielsen: "I think some people up there that are starting to talk, you really can't talk now but there is a public comment session after."

Supervisor Walter: "Did you offer the resolution?"

Councilman Gabrielsen: "Pays bills."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Diane Wilhelm: "Resolution— we have one off the floor."

Councilman Gabrielsen: "Yes. I want to take one resolution off the floor.

This concerns the eco pole that we're putting down in Grangebel Park.

Accepts donation four year period free of all charges and costs, from Sav Watt for installation, use and maintenance of an eco pole at Grangebél Park and authorizes the supervisor to execute agreement with Sav Watt relating to use, installation and maintenance of the eco pole at Grangebél Park. So moved."

Councilman Dunleavy: "One question. Is this part- is that part of Grangebél Park?"

Councilman Gabrielsen: "Yes. It will be on the corner- it would be if you're facing to your right, on the northwest corner."

Councilman Dunleavy: "The community gardens."

Councilman Gabrielsen: "Community gardens."

Councilman Dunleavy: "That's part of Grangebél Park. That's all I'm saying."

Councilman Gabrielsen: "Yes. It would be community gardens."

Councilman Dunleavy: "I second it. Yes."

Supervisor Walter: "Moved and seconded. Vote please. This is to take it off the floor."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is taken off the floor."

Supervisor Walter: "George, are you moving it?"

Councilman Gabrielsen: "Accepts donation four year period free of all charges and costs, from Sav Watt for installation, use and maintenance of an eco pole at Grangebél Park and authorizes the supervisor to execute agreement with Sav Matt relating to use, installation and maintenance of the eco pole at Grangebél Park. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "As the liaison to the energy committee and having been taken off the floor without actually running it before the energy committee who volunteer their time to look at these types of things, I did mention it to them and they did say that this eco pole will probably generate enough electricity to charge a cell phone but seeing as it is donated and the wind will not generate because there's not enough wind because the actual turbine is blocked by a building.

But the thing is it's donated and it's not going to cost us anything and it's a trial and we can see how much energy it can generate, I'll vote yes."

The Vote (Cont'd.): "Gabrielsen."

Councilman Gabrielsen: "I just want to point out it's not there to generate any kind of electricity (inaudible). It's to be self-sustaining so it doesn't need a lot of electricity.

It's widely used in Baltimore, outside of Washington. There's different areas and they're widely used. And this is a donation and we appreciate it.

And I really want to thank Carlos Delatore (phonetic) from Long Island Green Energy who really is looking to put the solar cap on the landfill to bring this to us, so I vote yes."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "I from time to time recharge my cell phone. So, yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "Yeah, I vote yes because this is— we're trying this out on one pole to see what happens and to see if we can put this in other places within the town and I think it's a good idea.

So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Councilman Gabrielsen: "Just one more point. That may be installed next week. They said maybe it will be installed next week. This is good stuff. So, thank you guys."

Supervisor Walter: "All right. We leave the town board meeting open for conversations with us on any subject that's not-- that you'd like-- if we have any jurisdiction over. We ask you to limit your time to five minutes."

Peter, are you coming up to speak? Jennifer. Miss Hartnagel. I'm sorry."

Jennifer Hartnagel: "Thank you. I just want to take this opportunity to thank you all for passing the site plan public hearing legislation. I think it will create a more open and inclusive process. So thank you for your unanimous support of that."

Along that same vein, I just want to address something for a moment regarding the Wading River study and the process for that."

I think that you all have received a letter from the RNPC, the Group for the East End and the Wading River Civic regarding the request that the town work with BFJ to schedule a public workshop prior to that final draft being released for a public hearing."

I think-- it's our belief that it's crucial to have public input at several different stages within this process. And so we respectfully request that you work with BFJ to schedule that."

I know BFJ has followed the same protocol when they did the study in the town of Brookhaven and that yielded positive results."

So at this point, you decide to do the corridor study and we're in the process so we just want to make this additional request."

Supervisor Walter: "I think we're planning to do two public hearings."

(Inaudible comment)

Supervisor Walter: "We'll figure it out. You're going to have-- I committed to Sid Bail of the Wading River Civic that I would do-- "

(Inaudible comment)

Supervisor Walter: "We'll figure it out. If worse comes to worse we'll do it as a-- at a town board work session which is really the only way we can meet as a board anyway."

Jennifer Hartnagel: "Yeah, it's just important for us to have some type of public input prior to that final draft."

Supervisor Walter: "Okay, understand."

Jennifer Hartnagel: "Thank you."

Supervisor Walter: "You look tired. Did this board meeting wear you out? Try sitting up here."

Dominique Mendez: "Hello. A little taller than I am."

Supervisor Walter: "Good evening."

Dominique Mendez: "Oh, Dominique Mendez, Riverhead Neighborhood Preservation Coalition."

The RNPC is a coalition of residents, civic and environmental groups advocating for the quality of life and the rural character of Riverhead representing over a thousand Riverhead residents including members-- seven member civic groups.

I just wanted to reiterate what Jen said. On behalf of the RNPC I'd like to comment the town board for passing legislation to require public hearings for commercial site plans.

This was legislation that the RNPC advocated for and contributed to and we believe it brings Riverhead one small step closer to, excuse me, to empowering residents with the level of participation in and access to town government afforded to residents of other east end towns.

And, again, I sincerely thank you for that unanimous vote.

I also-- kind of related to that wanted to follow up on a change of code that we discussed, I think came up in a work session over the summer. I think you guys pretty much unanimously agreed that there should be a change to the code regarding when site plans

would be considered complete, so that easements and covenants and other restrictions- "

Supervisor Walter: "Oh, the easement, covenant- "

Dominique Mendez: "Right. And I think Jodi mentioned something at the last- "

Councilwoman Giglio: "It wasn't going to be a code revision, it was going to be a policy."

Dominique Mendez: "Oh, I thought it was supposed to be when an application is deemed complete and that is in the code. So that's what we had discussed."

Councilwoman Giglio: "I think that we identified the (inaudible) application, when an application is deemed complete but we weren't going to codify that they have to- what they have to- everything that they have to submit in order for the application to be complete. That was going to be as part of the regulations for the site plan in the information that was requested and the covenants and restrictions would be one of those items that would be requested."

Supervisor Walter: "Is that what we decided? Because I thought we decided that we were going to make it part of the- to make sure that they had to submit them as part of the code the way they have to submit- "

Councilwoman Giglio: "Well then it should have been in what we just adopted."

Supervisor Walter: "The conversation was had that, that was a separate section of code and Bill was going to put it in the section where you- all the requirements for your submission are."

Dominique Mendez: "Correct. Yeah, the supervisor- that's exactly how I remember it."

Robert Kozakiewicz: "Just to clarify. We have a particular section which describes the contents of the application (inaudible)."

Supervisor Walter: "We were going to put in covenants and

restrictions. And he knew that and just probably- could use a whole staff in there, there's so much going on."

Councilwoman Giglio: "We could double our (inaudible) with all the submission requirements for a site plan."

Supervisor Walter: "Okay, is that it?"

Dominique Mendez: "Yes, thank you very much."

Supervisor Walter: "Anybody else wish to be heard this evening? Not seeing anybody- "

Councilman Dunleavy: "I make a motion we close the town board meeting. So moved."

Supervisor Walter: "All in favor."

Councilman Dunleavy: "Oh wait, we have one more."

Robert Gabrielsen: "Moving forward. I just heard Mr. Wooten say that you read the public trust doctrine- this is regarding beach access.

In a thousand years from now you're saying if- "

Councilman Wooten: "I'm not sure it's going to be that long."

Robert Gabrielsen: "But as the beach erodes we're going to lose all our public access?"

Councilman Wooten: "I don't think there will be any beach left to drive on."

Robert Gabrielsen: "But what about public access? Is that a changing line or is that a line that stays in place?"

Councilman Wooten: "No. It definitely changes. We could have-- the mean high water mark we could say we'll do an annual study on it."

(At this time, the CD ended)

Meeting adjourned: 4:41 p.m.

*Chase M. Silke*  
*Town Clerk*